
U.S. Deputy Marshal
In The Federal District Court
For The
Western District Of Arkansas &
Indian Territory
At Fort Smith, Arkansas
Circa 1872-1896



**Living
the
Legacy**

US Deputy Marshal

Theme Statement

The administration of justice, including law enforcement by the U. S. Marshal's office was more than an issue of crime and punishment, but a test of the constitutions call for government to "establish justice and secure domestic tranquility."

Objectives

By the end of the program the student U.S. Deputy Marshals will be able to:

- √ discuss what life was like for a U.S. Deputy Marshal at Fort Smith.
- √ explain how the federal court system worked at Fort Smith.
- √ explain how the federal court was responsible for federal Indian policy.
- √ demonstrate their knowledge of the court officers' responsibilities.
- √ explain what changes were occurring in Indian Territory as well as the rest of the country.

Program Description

Students will come to Fort Smith National Historic Site and spend a day reliving the life of a U. Deputy Marshal circa 1890. During the visit, students take on a role of a U.S. Deputy Marshal. Students discover the history of the court era (1872-1896) through various activities.



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Background

Federal Courts

The government is divided into three departments of branches. The Legislative Branch includes Congress (the Senate and House of Representatives). The duties of the this branch include: writing bills that will become law if approved by the President; advising the President and giving consent on appointments of ambassadors, justices of the Supreme Court, and certain other federal officials. The Executive Branch is the President. The President presides as the commander-in-chief of the military, S/he has the power to veto bills, nominate ambassadors, justices of the Supreme Court, and other federal officials. The Supreme Court, Courts of Appeals, District Courts, and special courts make up the Judicial Branch of government. If it is thought that a law is unconstitutional, the Judicial Branch will make the final decision as well as deciding other court cases.

The federal government is concerned with acts that concern the entire nation such as the national defense, national parks, cleaning our national waterways, and so on. State and local governments are concerned with things like the public schools, police departments, etc. Therefore, Federal courts usually only hear cases in which the United States is involved, such as violations of the Constitution or federal laws. Federal courts can also admit foreigners to U.S. citizenship (naturalization).

The Federal Court for the Western District of Arkansas was the court in which Judge Isaac C. Parker presided. The court had jurisdiction over all of Indian Territory as well as 13 counties in western Arkansas. It was the only court with jurisdiction over Indian Territory from 1851 to 1883 (after 1883 jurisdiction was divided among Arkansas, Texas, and Kansas). Before Parker arrived in 1875, the court was riddled with corruption and ineffectiveness. Within eight days of Parker's arrival, he had opened court, hired a new court clerk, appointed 200 deputy marshals, ordered witnesses to testify and reopened cases of unsolved murders. Most of Parker's work load was from the Indian Territory. The two main cases were of non-Indian's violating Indian sovereignty by grazing their cattle or living illegally in Indian Territory and illegal liquor brought into the Indian Territory.

The basic court procedures for the Western District of Arkansas, 1875 to 1896, were fairly simple. A crime might be reported to the court officers in Fort Smith or to a deputy in the field. A deputy could also come across evidence or witness a crime, then ask for a writ and make an arrest. However, a person could be arrested with or without a writ. The suspect was brought to Fort Smith and brought before the U.S. Commissioner to plead guilty or innocent and also to determine if the case went before a grand jury. Sometimes during these proceedings the charges would be dropped. Bail would be set or denied. If denied, the suspect was placed in jail. If the grand jury determined there was enough evidence, an indictment was issued down and the case went to trial. The district judge presided over the trial and the case was decided by a trial jury. Defendants were entitled to a defense attorney. The plaintiff in the cases was the United States, represented by the District Attorney or one of his assistants. The judge would hand down a sentence when the jury returned a guilty verdict. The death penalty was given to those convicted of murder or rape. Other crimes carried a sentence that varied from monetary fines to jail time. Those sentenced to more than a year in prison were transported to facilities in other places: Little Rock, Detroit, Illinois, New York.



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the
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Park Program Schedule

Reservations are required for this program. Before arriving at the park, teachers should make arrangements for dropping off studs, bus parking, and picking up students with the Park Ranger.

The Daily Activities

9:30 a.m.	Arrive at Fort Smith
9:45 -10:30	Introduction/Orientation/Safety/Oath of Office
11:00-12:00 p.m.	Court Procedures
12:00-1:00	Rations/Clean-up
1:00-1:45	Scavenger Hunt
1:45-2:00	Review/Pay/Certificates
2:00	Depart from Fort Smith

This represents a typical schedule. It is flexible and can be altered for each group. Other activities may be substituted depending on group and staffing requirements.



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Quartermaster Department

Commissary:

Feeding the Student U.S. Deputy Marshal

The food differed when a U.S. Deputy Marshal was in camp on the scout or back in Fort Smith waiting for court. When a U.S. Deputy Marshal was on the scout, most likely the food was simple. There may have been times when they may have had to cold camp and just eat leftovers or cold food. Living at Fort Smith must have been something of a relief as far as food was concerned.

Food:

A sample menu for one meal based on 10 people includes:

- √ 2 lbs beans (must be soaked the night before)
- √ 1 lb bacon
- √ 1 onion (not peeled)
- √ 1 loaf bread
- √ 1 gallon beverage
- √ salt & pepper to taste

Cooking Equipment & Eating Implements

Park Provides:

- √ Kettles and implements for stirring/serving.

You Provide:

- √ five to ten knives for students to cut meat and vegetables for ration preparation.
- √ paper towels - enough to wipe everyone's bowls, cups, spoon/fork.

Each Student Provides:

- √ 1 bowl - wooden is preferred, remember something hot will be put into it.
- √ 1 spoon - metal or wood
- √ 1 cup - glass is not recommended

We suggest that the teacher bring extra bowls, cups, and spoons in case some of their students forget to bring theirs from home.

It would be easier to bring “throwaway” items like plastic spoons, styrofoam bowls, and paper cups. The people who lived in Fort Smith (1838-1871) were not a “throwaway” society. They would reuse everything. As a teacher you must balance the needs or requirements of the program with the needs and requirements of your school and students. If you decide to bring “throwaway” products because it is in the best interest of your students, please do so.

Clothing the Student Soldier

The students will be outside in the elements their entire visit. The season will dictate the proper clothing. As a rule of thumb, you can always take off layers of clothing if you are hot. However, you can't put on what you don't have! Better to have too much clothing than not enough.

When a U.S. Deputy Marshal was on the scout, his clothes were probably well worn and suited for the field. When in Fort Smith and awaiting court, he wore his “city clothes” or his best clothes.

- √ The Hat - A wide brimmed hat or “cowboy hat” is definitely appropriate for wear. A “Stetson” was considered the best to wear. Some people claimed they could tell where a man was from by the look and shape of a hat.
- √ The Shirt - Any shirt will serve the purpose.
- √ The Coat - A frock coat or sack coat was worn by men depending on the style at the time. In the field a duster could also be worn. The students may wear any coat, but anticipate inclement weather.
- √ The Breeches or Pants - Levi Strauss breeches were first manufactured in the 1850's. It was considered the “poor man's” pants and did not gain popularity with the general populace until the 1880's. In 1877 there were two colors available, tan and blue. Jeans are probably the best thing for the students to wear.
- √ Shoes - Or boots. Boots of course were worn by the U.S. Deputy Marshals. Anticipate mud!

Designation of a U.S. Deputy Marshal

There was nothing distinguishing about the clothing of a U.S. Deputy Marshal. They dressed like another person in the area. However, they did wear a badge which signified that they were a federal law enforcement officer. See Appendix A for instructions on making the student U.S. Deputy Marshal badges.

Normally a U. S. Deputy Marshal was armed. Their primary weapon was a rifle or shotgun. The revolver was a backup weapon. It is not anticipated that the student U.S. Deputy Marshals will require their weapons, so none will be issued.



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the
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Pre-visit Activities

1. Borrow "Good Guys and Bad Guys" photo exhibit from the park. View and discuss the various pictures. See Appendix B for loan agreement and photo description.
2. Make copies of the maps (Appendix C) for each student. Look at the changes to Indian Territory between 1838-1871.
3. If you haven't already done so, start a journal. If you participate in later time-period programs, keep the journal and add to it as you go forward in time. What do you think people wrote about in the 1800's?
4. Select senior U.S. Deputy Marshals. Each posse will require one U.S. Deputy Marshal who will lead the posses while they are on the scout.

Criteria for Senior U.S. Deputy Marshal:

- A. Good Leaders
- B. Can follow directions
- C. Will set a good example for his/her posses
- D. Is willing to do the job

Other things you could set as criteria include behavior, grades, etc. Select your leaders prior to your visit.

5. Break you class into small posses (depending on the number of senior U.S. Deputy Marshals) of two to five students per posse.
6. Using U. S. Deputy Marshal list in Appendix D assign/choose a name of a U.S. Deputy Marshal that was really a deputy. Use a name tag so the "deputy" won't forget their names!
7. Have you deputies make their badges. See Appendix A.
8. Borrow the orientation film from the park and view it during class. See Appendix E.
9. Research and find what games children, soldiers, and people played in the 1800's?
10. If you haven't already done so, have the students make a haversack. See instructions in Appendix F.
11. Learn popular national songs of the period. See Appendix G.
12. Read short stories section to class.



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Post-visit Activities

1. Go to your school or local library and see what other information is available on early Arkansas and Oklahoma (Indian Territory). When was your community started?
2. Do an art project about your visit and what you have learned.
3. Evaluate your experience and write a letter to the park letting the rangers know what you learned, what you liked and what you didn't like.
4. Make sure you write down your experiences in your journal.
5. Debate whether it is proper for the government to exercise the right of capital punishment.
6. Discuss whether you would have liked to live at that time or not.
7. How has punishment in the courts changed from Judge Parker's time to modern times?
8. If not done as a pre-visit activity, borrow "Good Guys and Bad Guys" photo exhibit from park. View and discuss the various pictures. See Appendix B for loan agreement and description of photos.



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the
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Short Stories

A Time to Die

During Judge Parker's years in Fort Smith, the death warrants of people convicted of capital crimes, those being rape or murder, always stated that the US Marshal was to determine the time that an individual was to be hanged by the neck until dead. The judge's only guidance was for the execution to occur between the hours of nine in the morning and five in the evening. In the case of the Rufus Buck Gang, maybe Judge Parker should have been a little more explicit.

The Buck Gang's rose to prominence in July of 1895. Named for their leader, Rufus Buck, the gang had a total of five members. Sam Sampson and Maoma July were both Creek Indians. The brothers Lewis and Lucky Davis were Creek freedmen. All of them had been apprehended on minor offenses and served time in the Fort Smith jail prior to their crime spree that summer. The rumored cause for the spree was that Buck "boasted that his outfit would make a record that would sweep all the other gangs of the territory into insignificance."

It started on July 28, 1895, when they shot and killed Deputy Marshal John Garrett near Okmulgee. On their way from that murder, they abducted and raped a Mrs. Wilson. They killed Gus Chambers when he resisted the gang's theft of his horses. They then robbed a stockman, taking his clothing and boots and fired at him as he fled naked. Two days later the gang raped Rosetta Hansen while they held her husband at bay with Winchesters. The gang was finally apprehended, brought to Fort Smith and convicted in a rape trial. The case was appealed to the Supreme Court which upheld the verdict, and the gang was to die together on July 1, 1896.

Most men hanged in Fort Smith spent the morning of their executions deep in prayer or saying goodbye to friends and family. At least one member of the Buck Gang had more pressing concerns on his mind. That morning the execution was set for one in the afternoon. Immediately, Lucky Davis, a gang member, objected, saying he wanted to be hanged at ten in the morning so his body could be taken home on the "Cannon Ball" at 11:30. "Rufus Buck [then] said if he were hanged at an early hour he would be subjected to the inconvenience of several hours delay" before his body started home, and this would annoy him. Rufus and the three other gang members, including Lucky's brother, sided together against him. Finally the gang decided to allow Marshal Crump to determine the time, which he set for one o'clock. At that point Lucky suggested that he might be hanged by himself, but Crump refused. The execution proceeded at one o'clock with little incident. The Buck Gang were the only men to die on the gallows in Fort Smith for rape.

The Hell on the Border Jail

During the summer of 1885, a woman named Anna Dawes traveled to Fort Smith and the Indian Territory with her father, Senator Henry Dawes. Anna was very important to the inmates of the federal jail at Fort Smith because she wrote an article describing the conditions of their prison, a place she called a “veritable hell upon earth.”

The jail at Fort Smith was the basement of the federal courthouse. It consisted of two rooms and as Anna wrote, it had no light except what came from underground windows and no outside ventilation. In June of 1885, one hundred and nine men were confined there, nine of them accused of murder and two already convicted of that crime.

To Anna, the jail was a “piece of medieval barbarity.” The only opportunity for washing was a one halfbucket of water in each cell. A single chamber pot served each cell. The air in the basement was suffocating. Hoping to make the it more bearable, the flagstones of the floor were constantly wet down, making the air heavy with the rising steam and dampness.

Men who had already been convicted of murder or other violent crimes were confined with the rest in Fort Smith. There was no separation of offenders by crime, meaning that a person accused of horse theft might spend his days listening to the gruesome tales of someone headed for the gallows.

The prisoners relieved the boredom of their days by holding mock court. The men were tried for such offenses as spitting upon the floor and on conviction were sentenced to sweep it. One man suffered such an accumulation of offenses that he reportedly appealed to Judge Parker’s court above the jail. To exercise, the prisoners divided up into squads to march up and down the room at intervals.

Anna Dawes closed her article by asking “what excuse has the government of the United States to offer for the existence and continuance of this scandal?” She obviously made an impression because in February of 1886, Congress appropriated funds to build a new jail in Fort Smith. Construction began in 1887 and prisoners were moved into the new facility in March of the following year.

Heck Thomas

When talking about legendary lawmen, the “Three Guardsmen” always come up. Heck Thomas, Bill Tilghman and Chris Madsen earned this nickname as they pursued the Doolin Gang in Oklahoma Territory and cleaned up the town that became Perry, Oklahoma. This is the story of the first of those lawmen.

Henry Andrew Thomas was born near Atlanta, Georgia in 1850. Heck, as he became known, served at age twelve as a courier in the Civil War. Afterward, he joined the Atlanta police force and gained fame as a fearless fighter after being wounded in one of the city’s race riots.

In 1875, he and his wife moved to Texas where he worked for the Texas Express Company. He was promoted to detective within a year after preventing a train robbery by hiding the money in an unlit stove.

Heck left the express company to open his own detective agency at Fort Worth, where he continued his success. While pursuing two murderers in the notorious Lee Gang, Heck gave them the chance to surrender as was his custom. Instead, the brothers fired and died in the gunfire.

In 1886, Heck again changed jobs, this time heading to Fort Smith to work for Judge Isaac Parker. He was appointed a deputy US marshal and would work for this court until 1892. Heck often single-handedly brought in outlaws, as was the case in his first excursion where he apprehended eight murderers, a bootlegger, a horse thief and seven other outlaws. By 1891, Heck was trailing the Daltons, and then the Doolins. He captured and killed several members of both gangs.

Upon leaving the Fort Smith court, Heck worked as a deputy marshal in Oklahoma Territory between 1893 and 1900, meeting Tilghman and Madsen along the way. In three years, they arrested more than three hundred wanted men. It is said that Heck picked the most dangerous desperadoes to go after because the largest rewards were paid for them. He paid a price in being wounded half a dozen times in gunfights.

Heck Thomas moved to Lawton, Oklahoma Territory in 1902 where he served as chief of police for seven years. He retired in 1909 after a heart attack and died on August 15, 1912 of Bright’s disease, the same disease that killed Judge Parker.

Belle Starr: A Black Widow?

Belle Star was often called the "Bandit Queen" in early newspapers and dime novels. A more appropriate title might have been the "Black Widow." Of the four husbands and several lovers she is reported to have had, all met violent deaths.

In 1866, while living in Texas, a 20 year old Belle entered a common law marriage with Jim Reed. Reed, who had supposedly rode with the Jesse James gang, was murdered eight years later by a friend who claimed the \$ 1500 reward money on his head.

In 1880, Belle married Cole Younger's cousin, Bruce Younger, a petty outlaw who supposedly rode with some famous gangs. This marriage only lasted three weeks. Bruce Younger disappeared into history, but a newspaper account years later identified a mummified body found in a cave in New Mexico as his.

At the age of 32, Belle's third marriage was to 28 year old Sam Starr. A notorious outlaw, Sam was killed in a gunfight on December 18, 1887. As Sam was on the run from the law most of their marriage, Belle took a couple of lovers during this time. John Middleton, nine years younger than Belle, was also an outlaw who was reported to have burned down the Scott County, Arkansas courthouse. Middleton showed up dead on the banks of the Poteau River one day and although it was probably an accidentally drowning, some had him being a victim of Sam Starr's jealousy.

In 1884, Belle also had a short romance with Blue Duck. Two years later he was convicted in Judge Parker's court of murder and sentenced to hang. This sentence was commuted to life in prison, but after a year he was released due to his poor health and sent home to die.

Belle's fourth and last husband was Jim July. Two years after their marriage, Belle herself was murdered, and a year after that Jim July died in a Fort Smith hospital after being shot by US deputy marshals Bob Hutchins and Bud Trainer.

Two other ex-lovers met equally violent ends. Jack Spaniard was hanged in Fort Smith in August 1889 for killing a deputy marshal and Jim French was killed while robbing a store in 1895.

That's a total of at least eight men who met a violent demise after interludes with Belle Starr. Maybe she truly was a black widow.

Frank Dalton: Deputy US Marshal

“Everyone knows they were the Desperate Daltons....that they were a band of cold blooded murderers that roamed the Midwest without challenge, robbing and killing at will....,” or so the story goes. The legend of the Dalton Gang has more myth than truth in its telling nowadays, but the real story can still stand on its own.

The Dalton Gang story really cannot be told without beginning with the brother who first lost in life to violence. Frank Dalton, born in 1859, was commissioned a US Deputy Marshal at Fort Smith in 1884. He was involved in numerous dangerous episodes as a deputy and was described as “one of the most brave and efficient officers on the force.”

But all of that was to change in a “bloody tragedy” on November 27, 1887. Frank, at that time 28 years old, and Deputy J. R. Cole had gone to the Cherokee Nation to arrest Dave Smith on horse stealing and whiskey charges. Not anticipating any trouble, Frank stepped up to the tent that Smith and his friends were camped in and was immediately shot in the chest by Smith. Deputy Cole reacted quickly and shot Smith in the back. Another man in the tent then rushed out and shot at Deputy Cole who retreated backward, but could not escape a bullet in the chest. The deputy sprang to his feet, though, and using his Winchester as best he could, took refuge behind a tree.

By this time, Cole, under the impression that Frank was dead, decided to try to make his way back to Fort Smith for assistance. Frank was still alive, however, and after Cole got out of range, Will Towerly came out of the tent and shot him in the head twice with a Winchester. Newspaper reports of the time indicated that Frank was conscious and begged Towerly not to shoot him as he was already mortally wounded.

Back at Fort Smith, Deputy Cole gathered up a posse of officers to take back to the scene. Smith, Dalton and a woman hit in the crossfire were already dead. Another man was badly wounded and taken back to Fort Smith where he died in jail. Will Towerly, the murderer of Frank Dalton, escaped unhurt.

Over the next several years, some of the other Dalton boys would meet equally violent ends, but none in the heroic, law abiding way that Frank did.

The Daltons as Lawmen

Before launching their criminal careers, three of the Dalton brothers served as law enforcement officers. This occurred in the period after their brother Frank was murdered in 1887 and their first theft in 1890.

Grat Dalton, born in 1861, was described by the Pinkerton Detective Agency as a "tobacco chewer, card player... Passionately fond of whiskey... When embarrassed picks his teeth and cleans his finger nails... Is left handed and generally shoots from the left shoulder although he can shoot equally well from the right." Grat served as a deputy marshal for both the Districts of Kansas and of Western Arkansas in Indian Territory, and was wounded while attempting an arrest in March of 1889. In that incident Grat escaped with a shattered arm while his partner lost his life.

Bob Dalton, born in 1869, was six feet tall, and had blue eyes and sandy hair. According to his brother Emmett, Bob was the most handsome of the Daltons and was a good poker and card player, drank whiskey in moderation and did not chew tobacco. On occasion he would smoke brown paper cigarettes. Bob, like Grat, also served as a deputy for both the Kansas and Western Arkansas federal courts and in 1889, left federal service for employment as a detective in the Osage Indian Agency. Although Emmett Dalton, born in 1871, did not have a commission as a US deputy marshal, he did serve as a posseman and guard.

As officers of the law, the Daltons were somewhat successful and often assisted one another. In 1888, Bob and Grat were involved in tracking down an outlaw named Charley Montgomery. When Montgomery opened fire on the posse, Bob took quick action to shoot him before anyone could get hurt. At another time, one of the Daltons apprehended a man wanted for wounding Deputy Marshal Bob Cox.

The Daltons did not serve as lawmen for any length of time. Grat was discharged by US Marshal Yoes for being drunk and conducting himself badly at Tulsa, possibly for pistol whipping a man. Bob and Emmett were charged with introducing liquor into Indian Territory while they were still lawmen or right after they had left their law jobs. It was shortly after this, by late 1890, that the Daltons' involvement in reckless behavior escalated into full blown criminal acts.

The Daltons' Life of Crime

The Dalton Gang was composed of three Dalton brothers and at least seven other Indian Territory outlaws. Led by Bob Dalton, they made their specialty train robbery.

During the summer of 1890, Grat, Bob and Emmett Dalton fled to California, where they had family, including brother Bill, to escape some horse theft charges. While there, they attempted their first train robbery, resulting in the arrest of Bill and Grat. Bob and Emmett escaped back to Indian Territory with a \$3,600 reward on their heads. Eventually, Grat broke out of jail and escaped, while Bill received a "Not Guilty" verdict in his trial. They also made their way back to Indian Territory.

By this time, May of 1891, the Dalton Gang had already set its sights on lucrative cargo running on the railways through Indian Territory. In early May, five masked gang members stopped the Santa Fe passenger train, making off with \$1,500. The rest of the money on the train was cleverly hidden in a stove by the express messenger. He fooled the thieves by pointing to a pouch and telling them that it contained a large sum of money when it only contained some worthless papers.

In the aftermath of this robbery, two hundred men went out searching for members of the Dalton Gang. The accumulated reward stood at \$6,000.

The gang next struck in September of 1891, relieving the Missouri, Kansas and Texas Railroad of \$25,000, \$2,500 of which was in silver. The job was done so quietly that the passengers did not even realize that the train had been robbed.

The Santa Fe passenger train was again the victim of robbery at Red Rock in June of 1892, losing over \$70,000. The robbers, described by train passengers as well dressed gentlemen, broke through the safes with sledgehammers and chisels.

Up to this time, no one was seriously injured in the Dalton Gang's heists. That was to change in July of 1892 when in the aftermath of a hold up at Adair, one man was killed and four wounded. Although eight guards were on board the train, the gang blew open the safe and made off with an unknown sum of money.

The Adair holdup was the last train robbery for the Dalton Gang. They next sought to make history by robbing two banks at one time in Coffeyville, Kansas.

The Coffeyville Affair

By October of 1892, only five men remained in the Dalton Gang. Three left voluntarily, one simply disappeared and another, Charley Bryant, was killed in a gun battle in August of 1891. So, on the morning of October 5, 1892, it was five men - Bob, Emmett and Grat Dalton, Bill Power and Dick Broadwell - who tried to make history by robbing two banks at one time. Only one would make it out alive.

The gang rode into Coffeyville, Kansas about nine that morning. After hitching their horses in an alley, the men grouped themselves into a formation, three in front and two in the rear. Grat, Power and Broadwell, the three in front, proceeded to the C.M. Condon & Co. Bank. Bob and Emmett went to the First National Bank.

The citizens quickly realized what was about to happen and went to the hardware store to arm themselves for battle.

In the Condon Bank, the bandits found three men and demanded that the safe be opened. The cashier told them that there was a time lock that could not be opened for another ten minutes. Grat, Power and Broadwell decided to wait, but in the meantime, the citizens opened fire.

Bob and Emmett had a little more success at First National, where the bankers handed over the money to them. But as the Daltons reached the door of the building, they were met with a volley of fire from the citizens. Bob and Emmett retreated and left the bank by the back door.

In the next fifteen minutes, the streets of Coffeyville were a firing zone. Of the Dalton Gang, only Emmett emerged alive, although he was wounded. The other four robbers and four citizens had died in the gunfire. The money was recovered and the next day First National reported a surplus of \$ 1.98 and Condon's a loss of \$20.00.

Emmett Dalton was nearly lynched by the crowd at Coffeyville, but cooler heads prevailed to see him to jail and eventually trial. He was sentenced to life imprisonment and was pardoned after serving fifteen years in the Kansas State Prison. Emmett went on to write two books about the Dalton Gang and also became involved in the movie business. He died in 1937.

Bill Dalton

Even with the demise of the Dalton Gang at Coffeyville, there was one member of the family who still captured the attention and fears of citizens in Indian Territory. Bill Dalton's name was splashed across headlines as continuing the lawlessness that made his brothers infamous. He was called the "worst outlaw who ever stole a horse a shot a man in the Southwest!"

It is unknown how much Bill was involved with his brothers' outlaw activities. He could not have participated in their first two robberies as he was in jail in California at the time. But Bill did join up with Bill Doolin after the Coffeyville affair to lead what was called the Dalton Gang or the Dalton-Doolin Gang. This band of outlaws continued in the vein of Grat, Emmett and Bob Dalton, robbing the Santa Fe railroad robbery, fighting a gun battle with deputy marshals at Ingalls and robbing the Woodward Station Agent.

What made Bill's story slightly different than his brothers was that he was killed several times during his career. Newspaper reports of the Ingalls gunfight had Bill wounded so seriously that he could not live. In April 1894 he was again reported so badly shot up that he would die, this time as a result of a shootout with a Deputy William Carr at Sacred Heart Mission. Later the same month, Bill Dalton was killed again, this time by a posse of seventeen US deputy marshals. Two years after Bill's actual death, he was captured in New York City and then committed suicide in Wyoming.

Ironically, the real cause of Bill's death was a robbery in which he was not even personally involved. In May of 1894, the gang held up a bank in Longview, Texas, stealing \$2,600. They immediately had a posse on their trail, and in the weeks that followed, the pressure became intense, helped by a reward that jumped from \$700 to \$16,000. The robbers eventually crossed over from Texas into Oklahoma, passing by the area where Bill Dalton lived with his family. On June 8, 1894 a posse of lawmen approached Bill's home near Ardmore, Oklahoma. Bill, with a pistol in hand, jumped out of a window and ran toward the posse, ignoring the orders to halt. He was killed instantly. This time his wife and two brothers identified the body and shipped him to California for burial.

Bill Doolin

When the most feared Dalton brothers died in a blaze of gunfire in Coffeyville, Kansas, a man named Bill Doolin stepped to center stage in the annals of outlaw history.

The son of a Johnson County, Arkansas, farmer, Doolin was six feet, two inches tall, weighed 150 pounds, had auburn hair, blue eyes, a hooked nose and wore a ragged mustache. He had worked as a ranch hand until two deputies tried to break up a beer party in southern Kansas, a dry state. When the lawmen began pouring beer on the floor, several cowboys, including Doolin, pulled their six guns and fatally shot them. Doolin fled the scene, later joining the Daltons' gang of outlaws.

Doolin helped the Daltons in their train robberies, but did not take part in the attempted robberies of two banks at the same time in Coffeyville. With the killings in that affair, Doolin assumed leadership of the band of outlaws. The new gang was called a number of things, including the Dalton Gang led by Bill Doolin, the Doolin Gang, the Dalton-Doolin Gang and the Oklahombres. The members were generally Bill Dalton, Dynamite Dick, Bitter Creek Newcomb, Red Buck Weightman, Tulsa Jack Black, and Arkansas Tom Jones. For three years, the gang, headquartered in the town of Ingalls in Oklahoma Territory, raided banks, trains and stagecoaches.

A small army of lawmen slipped into Ingalls on September 1, 1893. Inside the city saloon, Doolin and five other outlaws settled down to a poker game. At that time, Bitter Creek Newcomb went outside to check on horses and was fired upon by one of the deputies. The Battle of Ingalls had begun! Newcomb raised the alarm, then escaped by riding out of town in a hail of bullets. The outlaws in the saloon fired at the deputies through the windows and then dashed to their horses, firing wildly at the lawmen as they rode away. Five or more men were mortally wounded in the gunfight.

The string of robberies continued after the Ingalls battle, the largest haul being \$40,000 taken from an East Texas bank. Even though the gang's days were numbered as more and more lawmen took to their trail, the final demise of Bill Doolin took a twisted trail through Arkansas and Oklahoma Territory.

Myths?

As the stories of outlaws and lawmen have been retold through time, some untruths may have crept into the them. Two of the better tales, which may or may not be true, involved outlaw Bill Doolin and Deputy US Marshal Bill Tilghman.

The first one recalls that in January 1895, Tilghman went to the Rock Fort Ranch to capture cattle rustlers and secure information on the Doolin Gang. The ranch house was a dugout with one big room that was lined on both sides with tiers of bunks. These were covered with curtains and there was no way for Tilghman to know if they were occupied or empty. When the deputy entered the room, there was only one man in the room by the fire. He was surly and uncivil, not wanting to talk, especially to a lawman. Tilghman, preparing to leave, turned his back to the fire and looked around the room. To his surprise, he saw from every bunk that the muzzle of a gun had been shoved out a little way. Those behind curtains did not know that Tilghman knew that they were there or that he expected to be shot to death the next instant. He calmly made his exit and drove on.

As it turned out, all the members of the Doolin gang were in the ranch house that night, Red Buck Weightman wanted to kill Tilghman and would have shot him in the back had not Doolin and the ranchman held him. Doolin is supposed to have said "Bill Tilghman is too good a man to be shot in the back."

The next story says that Tilghman's posse was close on the heels of the Doolins one morning. Doolin and his men had just eaten a large breakfast at a farmhouse, and as the gang leader stepped outside, he saw Tilghman and his men riding down a distant hill. The farmer thought that the Doolins were part of the posse and did not object when Doolin told him that the men coming down the hill would want breakfast too and that they would pay for all the meals. Tilghman and his men arrived, ate a hearty meal and were then told by the farmer that the first group had told him that Tilghman would pay for the meal. The lawman reluctantly dug into his pockets and paid the farmer for the food his own men and the outlaws had eaten.

Did Doolin save Tilghman's life on that snowy January night? Was the deputy the victim of Doolin's ruse with a farmer? We'll probably never know for certain.

The Capture of Bill Doolin

The capture of Bill Doolin is said to be the quickest capture of a frontier outlaw by a single officer in western history.

The setting was Eureka Springs, Arkansas. Bill Doolin had suffered from rheumatism since being shot in the leg by Deputy Chris Madsen, and a doctor had recommended the healing powers of bath resorts in Arkansas. Little did Doolin know that Deputy Marshal Bill Tilghman was close on his trail.

When Tilghman arrived at Eureka Springs, one of the first people he saw on the street was Bill Doolin. Doolin did not see him, however, so Tilghman quickly devised a plan. He went to a carpenter and ordered a box made in which he could carry a loaded shotgun. When Tilghman needed the gun, the box could easily drop open with a slight movement of the hand.

While the carpenter was making the box Tilghman decided to go for a mineral bath himself. When he entered the bathhouse, he again saw Bill Doolin, this time sitting in a lounge reading a paper. Doolin looked up when the lawman entered the room, but Tilghman walked briskly through and the outlaw did not recognize him. Later Doolin would say that he knew Tilghman and "yet when he walked into the bathhouse and went right on by me I could not place him. I was not looking for him over there and besides never thought of one man coming after me alone. I was looking for a crowd with guns...."

Unseen, Tilghman watched him for a few moments before making his move. He reentered the lounge with gun in hand and ordered Doolin to surrender. Tilghman said that when he first called to Doolin "the room was full of men, but you should have seen them fall over each other to get out and in half a minute we were alone." Tilghman called for the owner of the bathhouse to disarm Doolin and then secured his prisoner. As the deputy and his prisoner started for the hotel, Doolin said that if his handcuffs and irons were removed, he swore that he would not make a move. Tilghman took him at his word, but warned Doolin that if he tried anything he would "drop him dead in his tracks." They left on the next train out of Eureka Springs for Oklahoma.

Bill Doolin's Escape

After capturing outlaw Bill Doolin, Deputy Bill Tilghman escorted him to Guthrie, Oklahoma Territory. A large crowd, as many as two thousand people, lined the streets there to see the "king of the outlaws," and cheered as Doolin was taken to jail to stand trial for bank and train robbery.

Doolin would not remain behind iron bars, however. On Sunday night, July 5, 1896, he engineered his escape. Four prisoners overpowered and disarmed the jail's night guard. The other guard was in the bull pen of the jail and upon realizing what was happening tried to run out of the unsecured area. Doolin beat him to the door, closing and locking it, which left the guard helpless and unarmed among the prisoners.

Doolin then grabbed a revolver and ordered the night guard to open the combination locks, putting the gun to his chest and ordering him to "Open the locks or die." The guard complied, setting nine prisoners free. Two of those prisoners took the big front door key from one of the guards, went back to the bull pen and invited the thirty-five prisoners still there to go with them. When all refused they locked one guard in the bullpen and the other in a cell. The gang then took a half dozen coats, vests and hats belonging the jailers and guards, took any available weapons and ran from the jail.

One of the prisoners changed his mind during this time and proceeded to warn the proper authorities what was happening. A crowd soon gathered at the jail but it was half an hour before the jailer arrived to release his two guards. A total of fourteen prisoners escaped, including Dynamite Dick, the famed cattle rustler and bank robber. Apparently the escapees followed the railroad tracks out of town before splitting up. One other prisoner decided to turn back to the jail and surrendered, telling the officers what direction the inmates had taken. Deputies Heck Thomas and Bill Crane went in fast pursuit.

Doolin, Dynamite Dick and W.H. Jones, charged with counterfeiting, held up a buggy occupied by a young man and woman a mile from town. Brandishing a revolver and hatchet, the three outlaws ordered the couple out of the buggy and sped north in the rig, eluding capture.

The Killing of Bill Doolin

After his escape from the Guthrie jail, Bill Doolin spent some time in Mexico before returning to Oklahoma to see his wife and child. On August 25, 1896, Deputy Heck Thomas finally crossed upon Doolin's trail. He employed the help of Bill Dunn, his brothers and Tom and Charlie Noble to set up an ambush near Lawson in Payne County. When Doolin happened along the road through town that night, the deputies called to him to surrender. Instead, the outlaw wheeled about and fired once with his Winchester and three times with a revolver. The posse returned the fire, emptying a double-barreled shotgun that drove Doolin to the ground. The infamous killer was dead, "cleverly riddled with buckshot." In fact, reports indicated that there were twenty buckshot wounds in the chest, four that had entered the heart.

There was some confusion over who actually killed Doolin because of the numerous shots fired from the lawmen. There were even rumors that there were a lack of bloodstains on the body when it was delivered to the morgue and that Doolin must have died a natural death. This theory said that he was set up against a tree and filled with buckshot to make believe he had been killed to collect the reward. But Doolin had bled profusely according to Heck Thomas' widow who witnessed the bloody wagon the body was transported in. Heck Thomas finally collected a reward of over \$1400 for the killing of Doolin. He divided this among the seven members of his posse.

Doolin's body was put on display in Guthrie. A local photographer made two pictures of the dead outlaw. Mrs. Doolin and her brothers composed a poem about the outlaw which they had printed on postcards and sold it with the pictures to all who would buy them at twenty-five cents each. The profits were to be used for burial expenses, but the government actually ended up paying for the embalming and burial because of the need of preserving the body for identification purposes.

Doolin's funeral took place on Saturday, August 29, 1896, and his grave, in what is today the Summit View Cemetery in Guthrie, was marked by a twisted, rusty buggy axle. Doolin's widow filed a \$50,000 damage suit against the US Marshal for the unlawful death of her husband but it was dismissed in February 1897.

The First Woman Sentenced to Hang

In the long list of people sentenced to death by Judge Parker between 1875 and 1896, the women are often overlooked. There were only four of them, and not one ever made the final ascent to the gallows scaffold.

Fannie Echols was the first woman convicted of a capital crime in the Federal Court for the Western District of Arkansas. She was a young, unmarried black woman who had been living with a man named John Williams at Eufaula, Creek Nation. The two apparently had a stormy relationship and quarreled quite often. One night in July of 1883, persons living in the same building as Fannie reported an argument between the couple early in the evening. Shortly thereafter, a pistol shot was heard from Fannie's room. Witnesses who rushed into the room found Williams lying on a pallet shot through the body, the bullet being imbedded in the floor. It appeared that he had either been killed as he slept or while he was lying on his back unsuspectingly.

Fannie maintained that she had shot in self defense. Claiming that another man had entered the room and hung a pistol on the bed post, she said that Williams, the jealous type, became angry and threatened to kill her with the weapon. Once the other man left both Fannie and Williams made a dash for the gun. A scuffle followed and, according to Fannie, she grabbed the pistol and shot Williams as he attempt to wrest the revolver from her. She stated that she feared he was about to overpower her and secure the weapon. This story did not explain the bullet being found in the floor and underneath the dead body.

Fannie was arrested and lodged in the women's jail, which was the old military guardhouse, at Fort Smith. Her trial was set for December of 1883 and on Tuesday evening, December 18, the jury returned a verdict of guilty. On April 28, 1884, Judge Parker sentenced her to hang. The "plainly though neatly dressed" Fannie, when taken from the courtroom, "gave way to grief, and was taken to her cell crying."

The execution was scheduled to take place on July 11, 1884. Twelve days prior to this Fannie was baptized in the river by the minister of the black Baptist church in Fort Smith. It was not until July 2 that the Attorney General notified US Marshal Thomas Boles that President Arthur authorized the commutation of Fannie's death sentence to life imprisonment at the Detroit House of Corrections. Fannie accepted in writing the condition of the commutation and was then transported to Detroit.

Cherokee Bill: On The Outlaw Trail

Probably the most famous outlaw that hanged on the Fort Smith gallows was Crawford Goldsby, alias Cherokee Bill. He was born on February 8, 1876 at Fort Concho, Texas, the son of George Goldsby, a buffalo soldier of Mexican, white and Sioux descent, and a woman named Ellen Beck, half black, one-fourth Cherokee and one-fourth white. When George Goldsby abandoned his pregnant wife and son two years later, Ellen returned to Fort Gibson and sent Crawford to Indian schools in Kansas and Pennsylvania. When he returned, he worked odd jobs until his first run in with the law in the summer of 1893 at age 17.

On September 29, Goldsby attended a harvest dance at Fort Gibson to see Maggie Glass, a pretty 15 year old girl with whom he was infatuated. While there, he got into a fight with Jake Lewis and was easily overpowered by the man. The next morning, Goldsby appeared at Lewis' farm with the intention of killing him for the embarrassment in front of Maggie. Although Lewis suffered two gunshot wounds, he lived to file charges against Goldsby.

By this time, Goldsby had adopted the nickname of Cherokee Bill. Apparently the name derived from his Cherokee heritage and his attendance at the Indian school at Cherokee, Kansas. In the Cherokee country the name "Bill" meant "wild hand," not a person to run counter to.

After the assault on Jake Lewis, Cherokee Bill began riding with the Cook Gang. Led by Bill Cook, this group of outlaws terrorized the Cherokee and Creek Nations during 1893 and 1894. Their crimes started off small with whiskey charges and stealing horses, but soon led to train robberies, stage holdups, and bank theft. On July 31, 1894, the gang stole \$500 from the Lincoln County bank in Chandler, Oklahoma. On September 21, the J.A. Parkinson & Company store in Okmulgee lost over \$600 to them. On October 10 "the record of bold and desperate deeds" was broken when the gang held up and robbed the depot of the Missouri Pacific Railroad at Claremore. Less than 2 hours later, they robbed the railroad agent at Chotea. Ten days later it was the wrecking and robbing of the Kansas City and Missouri Pacific express five miles south of Wagoner.

On November 9, Cherokee Bill and two other gang members held up a store and post office fifteen miles south of Coffeyville, Kansas. Cherokee Bill shot and killed a painter named Ernest Melton who was watching the heist from a window of a restaurant across the street. "The ball struck Melton below one eye and came out the back of his head, killing him instantly."

It was this crime that Cherokee Bill would hang for in Fort Smith, but the road to the gallows had several more twists and turns for the law enforcement officials in Fort Smith.

The Capture of Cherokee Bill

After the murder of Ernest Melton on November 9, 1894, Cherokee Bill eluded capture for another three months. It took a carefully laid scheme to finally bring the wanted outlaw in, one that involved a former deputy marshal and Bill's love for a girl.

Ike Rogers had been dismissed from the deputy force because of his tendency to harbor wanted fugitives at his home. In some financial trouble, he had recently asked for a reappointment as a deputy marshal and US Marshal Crump assured Rogers that he would consider the request as long as Rogers cooperated in capturing Cherokee Bill.

Crump knew that Rogers was in an excellent position to provide assistance as his cousin was Maggie Glass, the girl with whom Cherokee Bill was infatuated with. On January 29, 1895, Maggie was celebrating her 17th birthday and Rogers decided to invite both her and Bill to his home. Both were suspicious of this arrangement, but when Maggie asked Bill to leave he refused. All during that afternoon and evening Rogers tried to apprehend Cherokee Bill. Suggestions that the outlaw lay his weapon aside or drink some whiskey that Rogers had secretly laced with morphine were refused. Bill also slept lightly and was awakened any time Rogers tried to get near.

It was not until the next morning, when it looked like Bill might escape, that Rogers met with success. While Bill was lighting a cigarette from the fire Rogers hit him across the back of the head with an iron poker. This knocked the outlaw to his knees. Rogers and his neighbor Clint Scales fought with Bill and finally subdued him enough to get the handcuffs on. Cherokee Bill pled with them for freedom, promising them horses and money. Refusing the offer, Rogers and his neighbor bound Bill's feet with baling wire and put him in a wagon to travel to Nowata.

En route, Cherokee Bill actually broke his handcuffs, and it was only with some fast thinking that Scales was able to leap off the wagon to avoid losing his pistol. Rogers, on horseback riding alongside the wagon, kept the outlaw covered with his double barreled shotgun. At Nowata, Bill was chained and placed in an Arkansas Valley railway cattle car. When the train stopped at Wagoner, Deputies Dick and Zeke Crittenden joined Smith and Lawson. A photographer was present and asked to take a picture. Bill threw his right arm around Dick Crittenden, reaching for the deputy's revolver at the same time. The outlaw did not obtain the gun but said afterward that if he had some of the officers "would have worn away wooden overcoats."

The group reached Fort Smith shortly and Bill was lodged in the federal jail there. On February 8, 1895, Cherokee Bill was indicted for the murder of Ernest Melton. He pled not guilty at the arraignment before Judge Parker. The murder trial was to begin on February 26.

Cherokee Bill's First Murder Trial

Cherokee Bill's trial for the murder of Ernest Melton began on February 26, 1895. His defense attorney was the renowned J. Warren Reed, known as "That Lawyer Who Always Wins His Cases." Reed's strategy was to establish an alibi for Bill by having several witnesses place him at various places between Fort Gibson and Tulsa the day before and of the murder. That would mean that Cherokee Bill had been 75 miles from the crime scene, making it impossible for him to participate in the robbery and murder.

The federal prosecutors in the case, however, put witnesses of the crime on the stand, all of which positively identified Cherokee Bill as the perpetrator of the crime. In addition, Ben Vann testified that at a dance shortly after the murder Bill had confessed to the killing, saying "I didn't intend to kill Melton, I only shot to scare him."

On February 27, 1895, the jury rendered the verdict in the case: "Guilty as charged in the...indictment."

According to a local newspaper, Cherokee Bill simply smiled but his mother who had attended the trial and testified on his behalf, broke into wails of grief. He reportedly turned to her and said "What's the matter with you? I'm not dead yet." In the federal jail that afternoon Cherokee Bill was "engaged in a game of poker with Bill Cook and several kindred spirits, as if nothing had happened."

On Saturday morning, April 13, Cherokee Bill was brought before Judge Parker to be sentenced for the murder of Ernest Melton. Defense attorney Reed was present to argue for a new trial and when the request was denied, he vowed to appeal to the Supreme Court. Parker then proceeded with the sentencing, saying "From the evidence in the case there can be no doubt of your guilt. That evidence shows a killing of the most brutal and wicked character...Melton was the innocent, unoffending victim of the savage brutality which prompted the robbery and murder." The judge then told the convicted murderer that he was to be executed by hanging on June 25..

The Fort Smith newspaper reported that Cherokee Bill "took the sentence very calmly...[and] disclosed no emotion whatever. The only show he made that he regarded the matter more seriously than when he was convicted, was the absence of his smile."

On April 29, Reed appealed to the US Supreme Court listing 14 "manifest errors to the prejudice and great damage" to himself and his client. That appeal nullified the execution date of June 25, as the case was still in the hands of the Supreme Court. It was in the middle of that Arkansas summer of 1895 that Cherokee Bill planned his escape from the jail at Fort Smith.

Cherokee Bill's Attempted Escape from the Fort Smith Jail

In 1895, when Cherokee Bill was lodged in the overcrowded and understaffed federal jail at Fort Smith, he occupied a cell on Murderers Row which was the first of three levels in the jail. It consisted of two rows of cells running back to back down the center of the building and then surrounded by an iron cage of cross-barred steel.

On July 10, 1895, the US Jailer ordered a search of the jail. This was nothing unusual as routine inspections had turned up everything from three cornered files and slingshots to pistols smuggled in by friends and relatives in cakes, loaves of bread or in jugs of buttermilk. In Cherokee Bill's cell, the guards uncovered nine .45 cartridges and in the bathroom on the first floor a .45 revolver hidden in a bucket of lime. What the guards failed to discover was a second loaded revolver and additional ammunition hidden behind a loose stone in the wall of Cherokee Bill's cell.

On the evening of July 26, turnkey Campbell Eof and Guard Larry Keating were locking the cell doors. The method of doing this was by securing a lever connected with a long bar that fastened the closed doors of each row of cells at the top. Then the turnkey locked each cell individually. That night one of the prisoners threw back the lever on the west side with aid of a long broomstick or pole. The effect was the release of the cell doors on the side where Cherokee Bill was confined. Bill stood with pistol in hand waiting, his cell door closed but unlocked. Turnkey Eof and Guard Keating did not suspect that anything was wrong.

When they reached his cell, Bill yelled to Keating to throw up his hands and turn over his pistol. Keating, however, reached for his gun and Bill shot him twice. The guard dropped to the floor. By this time four other guards had heard the shots and arrived at the scene. Entering the jail, they began firing to drive Bill and another prisoner back into their cells. Over 100 rounds ricocheted through the jail before Henry Starr called out that if the guards would stop their fire, he would take Bill's pistol. The cease fire was honored and Starr walked to Cherokee Bill's cell and induced him to give up his weapon. The guards then entered the jail and once again secured Cherokee Bill.

Although the crowd surrounding the US Jail that night wanted to lynch Bill, the legal system prevailed. The murder trial began on August 10. Two days later the jury announced a guilty verdict in 13 minutes. Judge Parker again sentenced Cherokee Bill to hang, and again the case was appealed. But luck and time had finally run out for Bill. In December, the Supreme Court upheld the verdict in the Melton case and Parker announced a new execution date of March 17, 1896.

The Execution of Cherokee Bill

Up until the days immediately preceding his hanging, Cherokee Bill seemed little concerned with the affair. In fact, he spent most of his time playing poker with the other prisoners, manipulating the cards through the gratings on his cell door. Five days before the execution, though, he accepted religious advice from Father Pius of the German Catholic Church in Fort Smith. Cherokee Bill saw the priest every day thereafter.

The outlaw awoke at six on St. Patrick's Day, 1896, singing and whistling according to reports from the other prisoners. Later that morning and early afternoon, his mother, brother, stepsister, the priest and Amanda Foster, his childhood nurse, came to pay their last visits.

Some 2,000 to 3,000 sightseers surrounded the gallows enclosure that day. Newspaper reports said the scene "though not disorderly, was one of indescribable excitement." People were perched on stone walls and on the roofs of nearby buildings, houses and sheds. One rickety shed near the gallows collapsed under the weight of its crowd.

As the scheduled time of execution, 2:00 p.m., approached, Bill announced that he was ready to go at any time. With a force of four guards, his mother, Father Pius and Amanda Foster accompanied Bill, handcuffed and shackled, from the jail to the gallows. At one point, the outlaw reportedly remarked that "This is about as good a day to die as any." Once Bill was on the scaffold, he eyed the crowd, saw his mother, and said "Mother, you ought not to have come up here." She replied, "I can go wherever you go."

At that time, the death warrant was read and Father Pius recited a short prayer. Bill stepped forward, his feet on the trap door and spoke to the crowd, saying, "Good-bye, all you chums down that way." His arms and legs were tied and a black hood placed over his head. At 2:13 p.m., he dropped in a fall of six feet. Cherokee Bill's neck was broken and death came quickly. Twelve minutes later the ropes that bound his limbs were removed, as were the handcuffs and shackles. His body was placed in a coffin and taken later that day to Fort Gibson for burial. Crawford Goldsby, alias Cherokee Bill, remains interred there today.

After his death, many people noted the significance of the unlucky number 13 in Bill's life. A \$1300 reward was offered for his capture after killing Ernest Melton; his first death sentence was pronounced on April 13; he killed Larry Keating on July 26, two times thirteen; Judge Parker took 13 minutes to charge the jury in the Keating case; the actual hours used in the trial numbered 13; there were 13 witnesses for the prosecution; the jury took 13 minutes to find him guilty; and he fell through the trap at 2:13 p.m.

“Hell on the Border”:

The First Jail at Fort Smith

In 1872, the Federal Court for the Western District of Arkansas moved into the former soldiers' barracks at the recently abandoned Fort Smith. The bleak dungeon-like jail associated with this court was known far and wide as “Hell on the Border.” Tales of the deficient facility, where men of every disposition and description were thrust together, penetrated into the far reaches of Indian Territory.

In 1886, Anna Dawes, daughter of Senator Henry Dawes of Massachusetts, visited the jail and found the rumors about “Hell on the Border” to be accurate. She wrote a vivid description of her findings in a widely distributed, Eastern-based leaflet called, “Lend a Hand.” The article characterized the jail as a “dark, crowded, hole, noisome with odors of every description, dirty beyond description, horrible with all horrors, - a veritable hell on earth.”

From 1872 to 1888, the jail was housed in the cellar of the former soldiers' barracks, located in the center of the abandoned military fort. The basement contained two cells divided by a solid rock wall running east and west. Each cell measured 29 x 55 feet. Together, they contained an average of 78 men at any given time, with that number sometimes rising to as many as 110. The ceiling, which rose a mere seven feet above the flagstone floor, was reenforced with two-inch-thick oak planks.

Located in the front and rear of each cell were four small grated windows. The front windows measured approximately three by four feet. The rear windows were much smaller. Each cell was reached though a single doorway located between the windows at one end and obstructed by two doors: one made of iron bars, the other of hard wood. Any fresh air and light the windows and doors might have provided was obstructed by two wide veranda porches that spanned the entire length of both sides of the building.

Further impeding the flow of air and light into the cells were the small vestibules located underneath the porches. These rooms measured 8 x 10 feet and served the dual purposes of guard houses and consultation areas for the prisoners and their attorneys. Little light filtered though these obstructions during the day. At night, coal oil lamps burned continuously, enabling the guards to monitor prisoner activity.

Facilities for personal hygiene were minimal. Slop pots placed along the outside walls allowed prisoners to wash. Occasionally, half barrels in the middle of each cell provided a fortunate inmate the luxury of a bath. Toilets consisted of open urinal tubs set in the old fireplaces. Chimneys, serving as ventilation flues, conducted some odors up and out of the building, but not all. Inmates were assigned the task of “honey dipping” these troughs twice a day with buckets. The buckets were then emptied into a pit especially dug for excrement disposal located outside the fort walls.

Contained in this vile environment were men of every age and description. First time offenders and hardened criminals were all held together regardless of the severity of their crimes, age or race. People accused of selling whiskey in Indian Territory and convicted murderers awaiting execution were thrust together in the cramped cells at Fort Smith.

The court docket contained an overwhelming amount of cases. Because of the case load, most prisoners were forced to spend as much as two months in the dank dungeon jail awaiting trial. Convicted criminals whose sentence did not exceed a term of one year fulfilled their term of incarceration in the loathsome cellar. Anna Dawes observed, "happy is the convict whose crime is large, for far worse is a single year at Fort Smith than a cycle at Detroit [House of Corrections]!" Murderers and rapists often waited two months or more for their execution date to arrive.

Jail guards tried in vain to alleviate the distress of the inmates. Lye was used for cleaning and the walls were whitewashed periodically. In the summer, guards poured buckets of water on the flagstone floors in hopes of affording the prisoners some measure of relief from the oppressive Arkansas heat. Steam would rise from the flagstone, only to be trapped by the low ceilings. It was so damp in the winter, spring and fall blankets on which the prisoners slept would become completely saturated. Some prisoners slept on straw-filled mattresses. The straw in the mattresses absorbed moisture and decayed. In 1880, wooden slatted cots were purchased in hopes of alleviating the problem.

Judge Isaac C. Parker was a staunch supporter of prison reform. He believed that many first time offenders could become good citizens if they were segregated from the influence of hardened criminals. Parker had frequent correspondence with the U.S. Attorney General's Office in hopes of persuading Congress to appropriate money for a new jail.

Finally, in 1886, Congress approved the release of building funds for the addition of the jail wing. Construction was completed in 1888 and under the watchful eyes of jailers, prisoners were transferred from the dungeon jail to the modern facility. The infamous "Hell on the Border" jail had closed its iron doors forever.

“The Men Who Rode for Parker”:

United States Deputy Marshals

Many of the most cherished images of the old west are of the lone lawman, pursuing and ultimately, apprehending criminals. This image has been exploited effectively by novelist and film makers. In fact, such is the influence of fictional accounts of lawmen in the west that the truth, though no less interesting than the fiction is not well known. The image of the federal marshal, riding out in search of desperate, evil criminal, does not begin to show the complexity of the times or the disparate influences that the men who became marshals brought to the job.

Beginnings

The United States Marshals history has its roots in the Judiciary Act of 1789. One of the first pieces of legislation passed by the first congress, the Judiciary Act created the federal court system and additionally, created the office of the United States Marshal. A marshal was appointed for each of the newly created federal district and circuit courts. These men were broadly empowered to carry out all lawful orders issued by judges, Congress, or the president. The U.S. Marshals appointed their own deputies. With the U.S. Marshal acting as the administrative head, it was the deputy marshals that carried out most of the work.

The marshal's principal function was to enforce orders and decisions of the federal courts. They served subpoenas, summonses, writs and warrants, and other processes issued by the judges and magistrates. They made arrests and handled all of the prisoners confined by the courts until final application of sentence. They also distributed money, paying the fees and expenses of the jurors, witnesses, and contracting for the feeding of prisoners. The marshals were also responsible for renting spaces for the courts and jails and hired bailiffs, criers, and janitors.

At Fort Smith

As the frontier moved west, the U.S. Marshals went with it to uphold the law in remote, sparsely populated territories. The Federal District Court for the Western District of Arkansas was created in 1851 and held jurisdiction over 13 Arkansas counties and all of the Indian Territory. During the early 19th century, the federal government supported a policy of voluntary and forced removal of Indian tribes from lands in the eastern United States, to land in the west. Much of what is today the state of Oklahoma was then called the Permanent Indian Territory.

Each tribe had tribal courts, which adjudicated disputes among Indians. If a white person was involved in a dispute with an Indian, however, the jurisdiction was placed with the federal courts. Later, some capital crimes, such as murder and rape, were made the exclusive jurisdiction of the federal courts. This made for a difficult situation, with criminals taking advantage of the confusion caused by the jurisdictional questions. Particularly after the Civil War, the Indian Territory became a haven for outlaws and criminal gangs. This was compounded by corruption and incompetence in the affairs of the court itself. In 1875,

President Ulysses S. Grant appointed Isaac C. Parker to the federal judgeship in which he would become famous. The court had moved to Fort Smith in 1872, occupying the former enlisted barracks at the recently abandoned military post. Parker's predecessor had resigned in 1874 rather than be impeached. Judge Parker was charged with cleaning up the affairs of the court and bringing some semblance of order to the area, whose affairs were now a national scandal. Over 200 deputy marshals were attached to the Federal Court for the Western District of Arkansas. Some were Civil War veterans. Others had been cowboys or ranchers. Most of them knew a great deal about the Indian Territory and were independent, self-reliant, and willing to take great risks. Their headquarters was Fort Smith, a dusty, growing town right on the border with the Indian Territory. It was a settlement of about 5,000, which did a thriving business in saloons and bordellos, catering to the cowboys, traders, railroad men, and river boat crews that worked the area.

The Western District court was responsible for the enforcement of federal law in 74,000 square miles of territory. A set of instructions issued by the U.S. Marshals office in Fort Smith give an idea of the crimes and problems involved.

"U.S. Deputy Marshals for the Western District of Arkansas may make arrest for: murder, manslaughter, assault with intent to kill or to maim, attempts to murder, arson, robbery, rape, bribery, burglary, larceny, incest, adultery . . . These arrests may be made with or without warrant first issued and in the hands of the Deputy or the Chief Marshal."

The marshals did not generally travel in large posses. Either individually or in small groups they would "go on the scout," into the Indian territory, for weeks or months at a time, sometimes taking a wagon rigged as a holding cell. They looked for stolen horses, for suspicious travelers, for stills and contraband whiskey, and for wanted men on the run. They carried warrants, or wired Fort Smith and requested them. Deputy marshals were paid at the rate of six cents per mile traveled, and \$2.00 per arrest or served process. Of the total amount collected, the U.S. Marshal received 1/4 of that amount. Some historians have estimated that an average deputy marshal was lucky to make \$500.00 a year; not much money, even in those days. They were also personally responsible for the burial of a suspect killed in the process of arrest. So, while the deputies seldom went looking to kill the suspects, the fact that the penalty for resisting arrest was only a year in jail, meant that outlaws had little to lose in resisting. Over 100 deputy marshals were killed in the line of duty during Judge Parker's tenure, a testament to the difficulty of the job and the bravery and ability of the marshals.

Despite these limitations, conscientious deputy marshals such as Heck Thomas, Bill Tilghman, Bass Reeves, Addison Beck and others, did much to curb the disorder rampant in Indian Territory. Carrying colt 45 pistols and Winchester Rifles, sawed-off shotguns and knives, these men enforced the law and established the idea of justice on the frontier. They were a mixed lot, some highly moral, some as at home on the outlaw side as the side of the law. They reflected the independence and spirit of the west. And, the United States Deputy Marshals at Fort Smith remains one of the most colorful chapters of the American story.



Glossary

Arraignment: a function in which an individual who is accused of committing a crime is brought into court, told of the charges, and asked to plead “guilty” or “not guilty”.

Attorney: a person who is qualified to defend or prosecute court cases.

Bailiff: a person who attends court while it is in session, waits on grand and trial jurors, maintains order in the courtroom and carries out any other tasks given by the judge or US Marshal.

Brief: a written statement that lawyers for the defense and the prosecution give to the judge that explains why the judge should rule in favor of that lawyer’s client.

Counsel: a lawyer or team of lawyers

Court: an agency authorized to settle legal disputes.

Court Clerk: an officer appointed by the court to oversee the administrative duties of the court.

Court Crier: a person who announces the opening and closing of court, as well as all cases brought before the judge.

Court Reporter: the person who produces a word-for-word document of what is said in court.

Courtroom Deputy or Clerk: helps the judge keep track of witnesses, evidence, and other things related to the trial.

Cross Examination: questions asked by a lawyer of a witness called by the opposing lawyer.

Defense Attorney: a lawyer qualified to defend a person accused of a crime.

Defendant: the person accused of a crime.

Direct Examination: questions asked by lawyers to witness they called to the stand to bring out evidence.

District Attorney: the lawyer who prosecutes criminal and civil cases on behalf of the United States.

Evidence: testimony, objects, or documents that are presented in court to persuade the judge and/or jury to decide the case in their favor.

Felony: a crime that if convicted, the penalty is more than one year in prison.

Grand Jury: a group of people who listen to evidence of criminal activity then decide whether or not there is enough evidence to file an indictment.

Hearsay: evidence that a witness did not directly see or hear, but heard about it from someone else. Hearsay is usually not admissible as evidence.

Indictment: the charge stating that there is enough evidence to justify a trial.

Jailor: the person responsible for the care and upkeep of the US Jail.

Judge: the government official with the authority to preside over trials, instruct juries, and sentence convicted defendants.

Jurisdiction: the area over which the court has authority to decide cases.

Lawyer: a person qualified to defend or prosecute court cases.

Plaintiff: the person who starts or files a complaint or action.

Plea: the defendant's statement of "guilty" or "not guilty" of the crimes s/he is accused of.

Prosecute: to charge a person with a crime and to seek a conviction.

Testimony: evidence from a witness who is under oath to tell the truth.

Trial Jury: a group of people who hear evidence presented by both sides at a trial and then decide based on the facts whether the person charged with the crime is guilty or not guilty.

Verdict: the jury's decision.

U.S. Commissioner: the person who takes complaints, issues warrants, writs and other paperwork, and initiates arraignments and indictments.

U.S. Marshal: chief financial and law enforcement officer of the court. The marshal usually employs a chief deputy and several deputies. They (1) serve subpoenas, summonses, writs, warrants, and other processes issued by the courts, (2) make all arrests, (3) handle all prisoners, (4) disburse the money, paying the fees and expenses of the court clerks US attorneys, jurors and witnesses, (5) takes care of details by making sure that prisoners are present, jurors are available, and witnesses are on time.

Witness: a person called upon by either side to give testimony at a trial.



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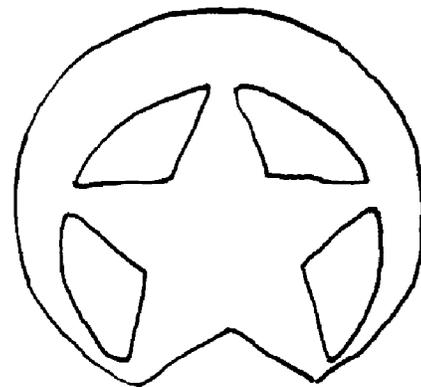
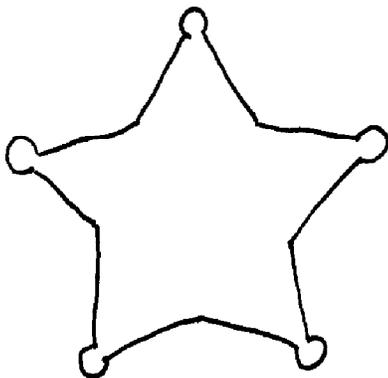
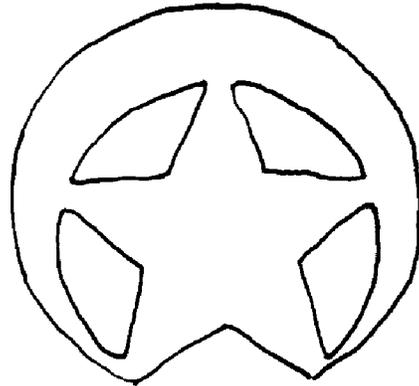
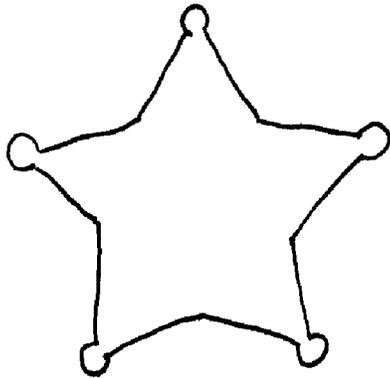
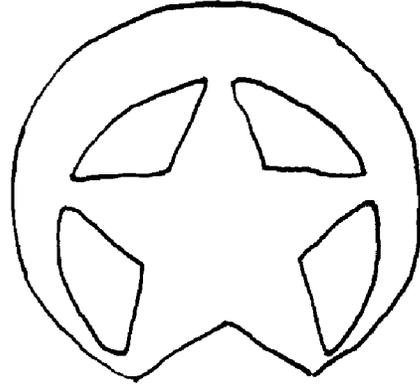
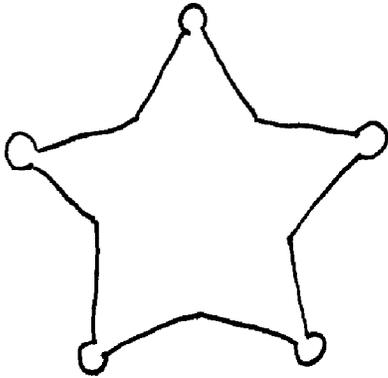
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Appendix A





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Appendix B

Photo Exhibit: Good Guys and Bad Guys

Photo Exhibit Policies:

- √ available for loan for up to one month
- √ no charge for loan
- √ person or organization is responsible for any repair or replacement of items damaged while in their possession
- √ inspect photos immediately upon arrival and call the park (501-783-3961) if problems are found with any pictures
- √ photo exhibit must be picked up at and returned to the visitor center (3rd Street and Rogers Avenue, Fort Smith National Historic Site)
- √ exhibits will not be shipped
- √ a completed "Exhibit Questionnaire" should be returned with the exhibits
- √ to request the "Good Guys and Bad Guys" Photo Exhibit, complete the loan agreement form on next page and mail to:

Superintendent
Fort Smith National Historic Site
PO Box 1406
Fort Smith, AR 72902

Exhibit Loan Agreement

(Please print neatly or type)

Name of Exhibit: Good Guys and Bad Guys

Dates requested: _____

Organization: _____

Address: _____

Telephone: _____

Person Responsible: _____

Home Telephone: _____

I accept responsibility for the traveling exhibit and agree to reimburse Fort Smith National Historic Site for any damage to exhibit while in my care.

Signature _____ Date _____

Exhibit Questionnaire

(Please print neatly or type)

Teacher: _____

School: _____

Address: _____

Telephone: _____

Age of Audience: _____ Number of people who viewed exhibit: _____

How long exhibit on display: _____

Did this exhibit correspond to a current of recent lesson plan? _____

Do you feel it met your objectives? Why or why not?

What did you like/dislike about the exhibit?

Do you plan to utilize this exhibit again?

Are you interested in obtaining other exhibits like this on historical subjects?

Have your students visited Fort Smith National Historic Site on a field trip? If so, did you have a ranger led activity? Which one?

Suggestions/Comments:

Note: Please return this completed form with the exhibit.

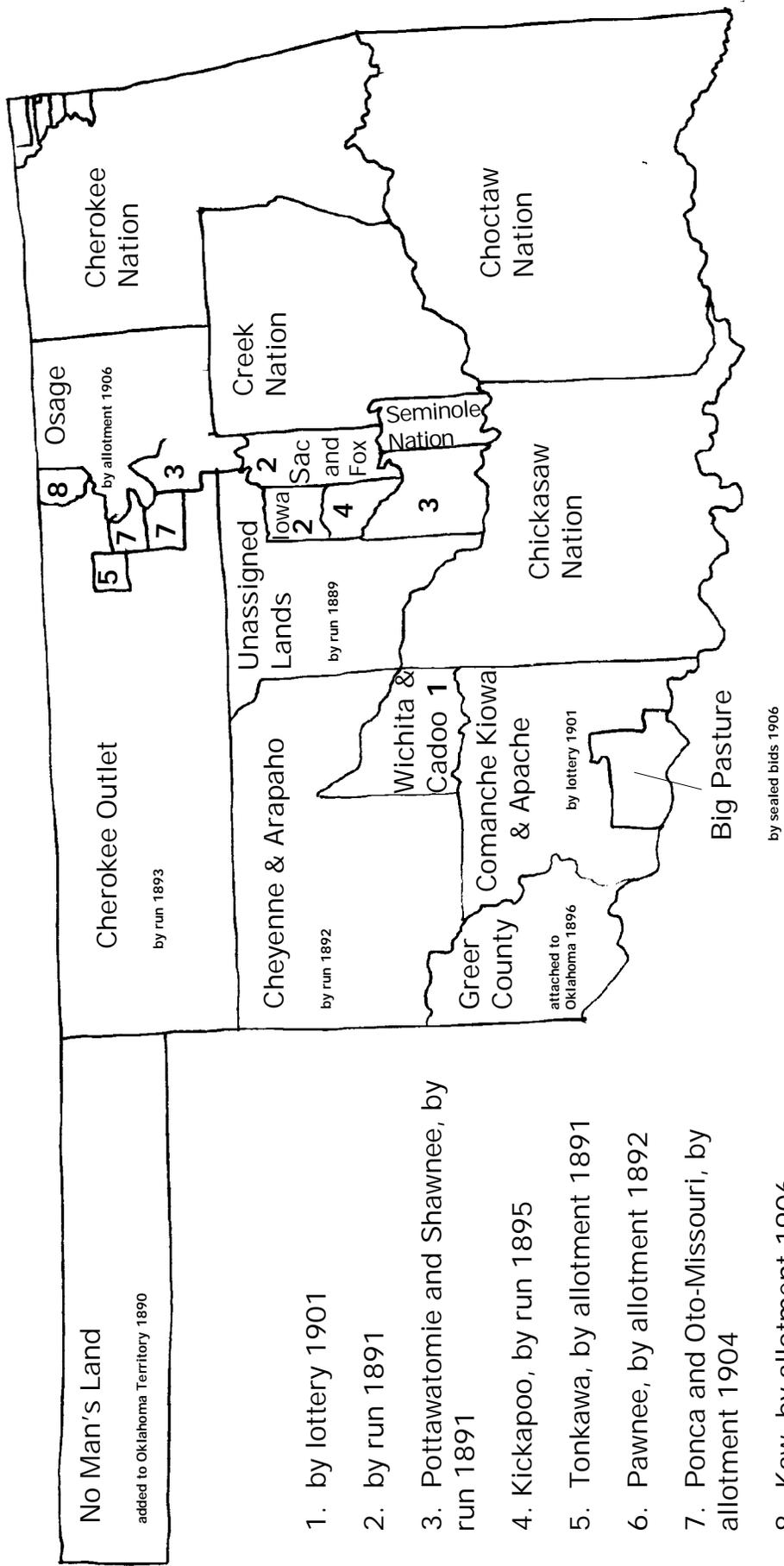


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Appendix C



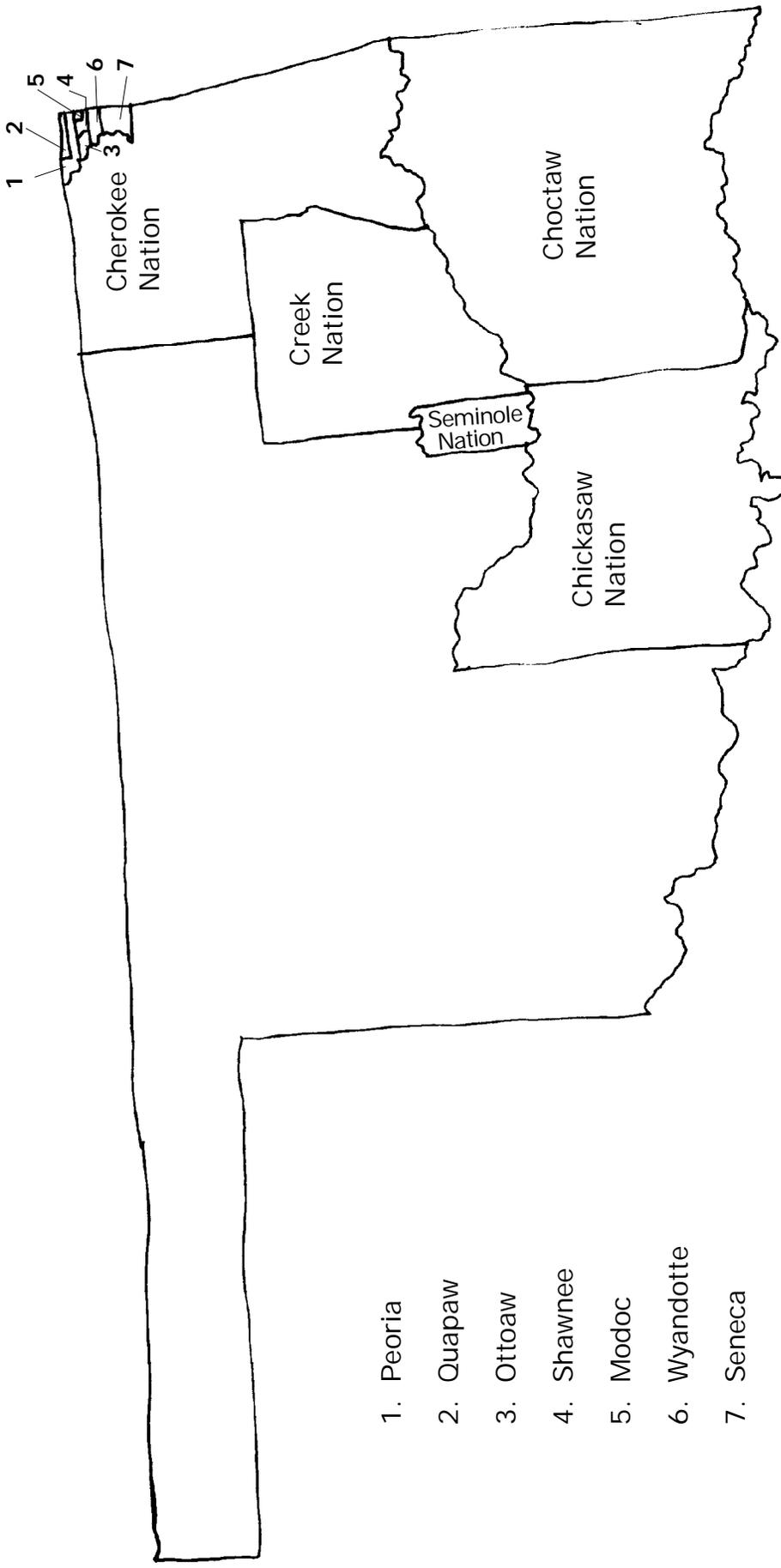
Arkansas Counties after 1874



Land Openings

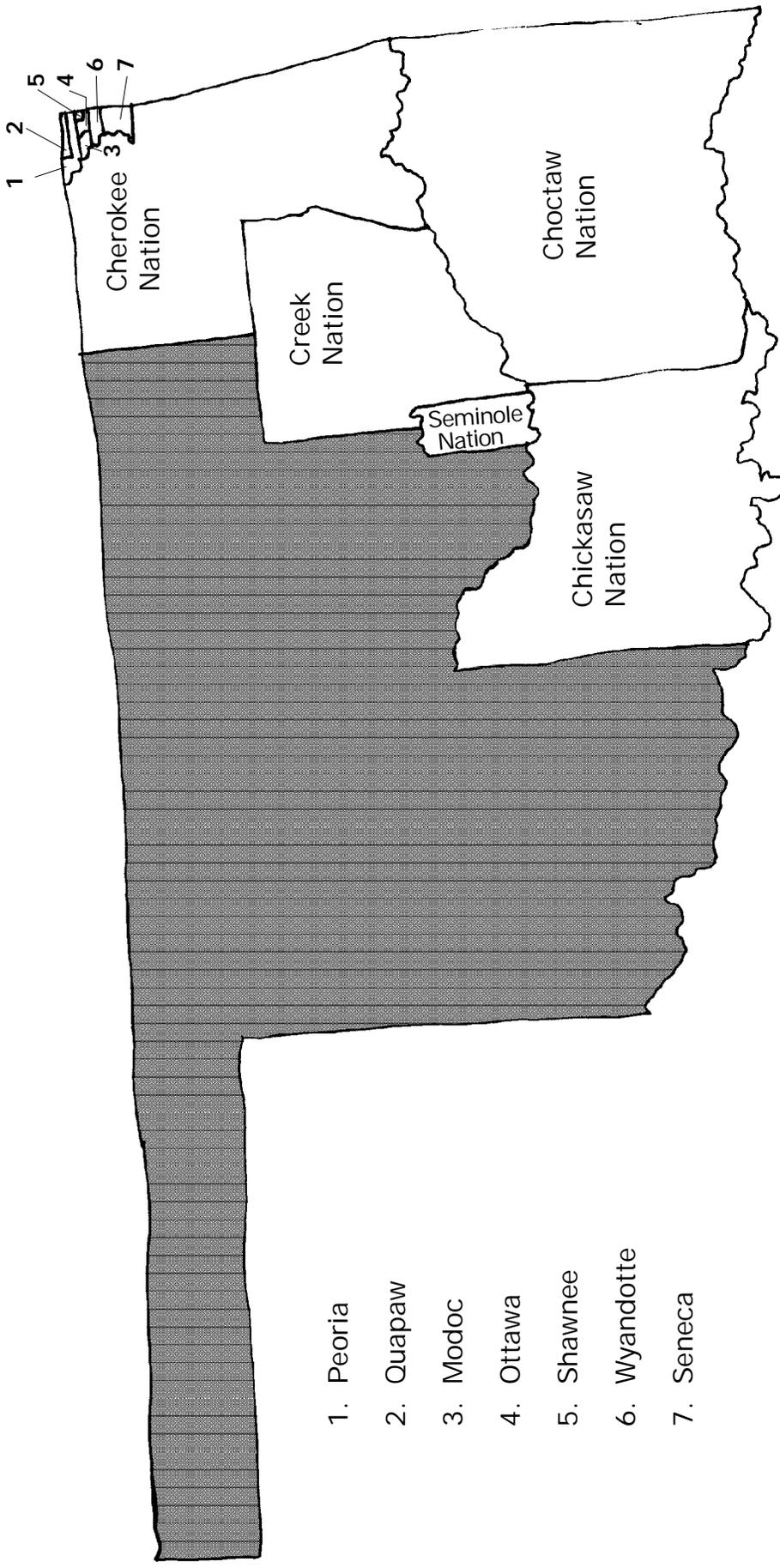
No Man's Land
added to Oklahoma Territory 1890

1. by lottery 1901
2. by run 1891
3. Pottawatomie and Shawnee, by run 1891
4. Kickapoo, by run 1895
5. Tonkawa, by allotment 1891
6. Pawnee, by allotment 1892
7. Ponca and Oto-Missouri, by allotment 1904
8. Kaw, by allotment 1906



- 1. Peoria
- 2. Quapaw
- 3. Ottoaw
- 4. Shawnee
- 5. Modoc
- 6. Wyandotte
- 7. Seneca

Indian Territory, 1889



- 1. Peoria
- 2. Ouapaw
- 3. Modoc
- 4. Ottawa
- 5. Shawnee
- 6. Wyandotte
- 7. Seneca

Oklahoma Territory
 Indian Territory

Oklahoma Territory - Indian Territory, 1900



Appendix D

Adams, R.C.	Barbee, W.H.	Boggs, George
Akin, A.J.	Barling, F.R.	Boles, A.H.
Alberty, E.B.	Barnes, C.M.	Boles, Seth
Alberty, E.C.	Barnes, Edward	Bondinet, R.F.
Alberty, Jesse	Barnes, Preston	Bouden, William
Alexander, Elmer	Barnett, C.W.	Bourland, Captain Jas.
Alexander, Robert	Barnhill, Charles	Boushee, Frank P.
Alexander, S.B.	Batteries, F.B.	Bowden, C.L.
Allen, Charles B.P.	Baxter, J.M.	Bowden, W.S.
Allen, D.M.	Baxter, Mitchell	Bowers, Joe
Allen, John	Baxter, Monta	Bowers, S.
Allison, _____	Bean, Robert B.	Bowman, E.S.
Anderson, William	Bear, Jacob	Bowman, J.W. (Wes)
Anderson, William J.	Beard, John M.	Boyd, J.J.
Andrews, _____	Beaty, Jesse N.	Boyle, Joe (Posseman)
Andrews, Silas	Beck Addison	Bradshaw, Samuel
Angell, H.W.	Beck, Adison	Brady, W.A.
Archer, T.J.	Bennett, J.E. (doctor)	Braswell, (?) B.
Armstrong, John (Guard)	Bent, Ed	Brazell, J.L.
Arnold, W.H.	Bentz, W.T.	Brittain, D.L.
Arnold, W.J.	Berchfield, _____	Brothers, William Croy
Asbill, W.G.	Berry, J.D.	Brown, George H.
Atkins, C.A.	Berry, J.D. (Jailer)	Brown, Joeseoph P.
Atkins, Lee	Berry, J.H.	Brown, John P.
Atwell, Robert E.	Berry, S.W.	Brown, T.A.
Avery, James M.	Bethany, F.M.	Bruner, A.W.
Ayers, Ben F.	Bethel, J.F.	Bruner, Heck (E.H.)
Ayers, C.C. (Jailer)	Bethel, J.M.	Bruner, Scott
Ayers, Columbus	Bethel, William	Bumpass, R.T.
Ayers, J.	Birchfield	Burchfield, B.C.
Ayers, L.T.	Birnie, Cornelius S.	Burgevin, Edmund
Ayers, Willard R.M.	Birnie, W.S.	Burkitt, James
Ayers, William R.	Bishop, B.	Burns, Charles (Jailer)
Baer, J.	Blake, John	Burns, ED
Barbee, Ed.	Bloomburg, John P. (Bailiff)	Burns, Joseph (Day Guard)

Bushby, "Shep"	Clark, _____	Creekmore, Milo
Cabell	Clark, Bob	Creekmore, R.B.
Caldwell, A.J.	Clark, J.D.	Crittenden, Dick
Caldwell, Iris E.	Clark, W.C.	Crittenden, Zeke
Caldwell, R.A.	Clay, Robert	Crowder, J.W. (John)
Caldwell, Thomas W.	Clay, T.M.	Crump, Arch, M.
Callhan, Harry	Clayland, Harry	Cummins, William A.
Campbell, J.J.	Clifford, A.M.	Curtis, John
Campbell, L.H.	Clifford, N.M.	Cutter
Cannon, Rufus	Clove, Thomas	Dalton, Frank
Cannon S.R.	Cobb, C.P.	Dalton, Grat
Canton, F.M.	Cochran, E.F.	Dansby, John (Posse)
Cantrail, Ben	Cochran, George	Daugherty, H.A.
Capps, S.V.	Cochran, Jesse	Davenport, Clint
Carlton, John	Cockran, J.C. (Posse)	Davis, _____
Carlton, Marion	Cockran, W.M. (Posse)	Davis, G.W.
Carney, Iste	Coffey, D.H.	Davis, James C.
Carr, T.H.	Coggins, D.W.	Davis, John F.
Carroll, _____ (Jailer)	Cohee, Ed.	Davis, John T.
Carroll, Hugh	Colbert, Bynum	Dean, George
Carroll, J. Frank	Cole, George W.	Dearing, Andy
Carroll, John (Jailer)	Cole, James R.	Denton, G.E.
Carter, _____	Collins, James	Dickson, William D.
Carter, Calvin	Congdon, George S.	Dixon, H.W.
Carter, Frank	Connelley, Barney	Dodge, F.J.
Carter, J.D.	Conway, _____ (Jailer)	Dodson, Lewis
Carter, Samuel M.	Conway, John	Donaldson, H.C.
Casaver, Joe	Cooper, Thompson	Donnelley, Robert
Casey, A.A.	Cooper, William G.	Dows, Chas
Casey, William (Assist. Jailer)	Copeland, C.E.	Dozier, Knox
Cavaille, John	Corndius, McPherson	Drake, E.L.
Cawdell, Joseph H.	Cotton, L.L.	Drake, N.S.
Chancellor, J.M.	Courtney, George P.	Drenning, James R.
Chapman, Daniel	Cowden, William R.	Dugger, Charles
Chapman, John	Cox, B.F.	Duley, William R.
Chase, William	Cox, F.L.	Dunklin, W.J.
Chatwell, J.S.	Cox, F.P.	Dunlop, R.D.
Childers, John	Cox, Robert	Dunlop, W.J.
Childers, William	Cox, W.A.	Dunn, Alexander H.
Chilton	Crabtree, A.J.	Dunn, Will C.
Christian, J.H.	Crabtree, A.J.	Dunwell, B.C.
Chronister, H.W.	Craddock, John (Day Guard)	DuVal, Frank P.
Churchill, J.A.	Cravens, Will	DuVal, Perry
	Crawford, Kranium	Dye, D.C.

Dye, W.R. (Jail Guard)
Early, Nathan L.
Earp, J.P.
Edmonds, D.
Edward, L.M.
Elam
Elliott, D.B.
Elliott, N.B.
Ellis, Jack
Ellis, John
Ellis, Mitchell
Ellis, William
Ennis, James M.
Eoff, D.A.
Erkhart, _____
Erskine, Frank
Erwin, William
Everidge, Joseph M.
Fallin, H.L.
Fancher, Joseph
Fannin, E.W.
Fannin, H.D.
Farr, James G.
Faulkinbury, H.N.
Ferguson, George
Ferguson, Waller
Ferrier, R.
Fields, Billy
Fields, John
Fields, William
Fisher, S.N.
Fitzpatrick, T.H.
Fleming, Charles A.
Fleming, W.J.
Flemming, R.C.
Flinn, C.M.
Flood, Simon
Fooy, E.W.
Foreman, Samuel
Forrest, Joseph S.
Fortune, Robert
Foster, Josiah
Foster, Townsend N.
Foyil, F.M.

Frazier, N.G.
Freeman, Franklin H.
Freeman, John W.
French, Robert
Freshour, W.E.
Fritts, W.M.
Fry, R.M.
Fullbright, D.N.
Furgeson, J.W.
Gafford, John A.
Gaines, Joe
Garrelson, E.G.
Garretson, C.E.
Garrett, J.A.
Garrett, John
Garvin, F.M.
Gates, G.C.
Geary, Jim
Gentry, R.J.
Gentry, Scott
Gibson, G.W.
Gibson, H.C.
Gibson, J.W.
Gill, Gus A.
Gill, James H.
Gipson, Ben F.
Givens, Edward
Goullich, Joseph
Gourd, Ellis R.
Gourd, R.E.
Grady, J.P.
Graham, W.P.
Gramlich, Joseph
Grayson, Sam
Green, Joseph
Grisham, C.C.
Guerier, S.
Guy, James "Jim"
Hackett, Perri
Haglin, Edward
Hall, Calvin
Hall, John H.
Halsell, William E.
Halsted, William

Hambeck, Henry
Hamilton, Peter
Hara, Charles D.
Harden, William T.
Hargrove, W.W.
Harkins, J.W.
Harp, Hugh
Harp, W.A.
Harper, John, C.
Harriet, James M.
Harris, Dan (Doorkeeper)
Harris, Samuel O.
Harris, W.W.
Harrison, Jacob
Harrison, W.H.
Hasson, Henry
Hastings, M.H.
Hawkins, Albert M.
Hawkins, J.M.
Hawkins, John
Hawkins, Orrin S.
Haynes, Samuel
Haynes, W.F.
Heady, Joshua B
Heckler, _____ (Guard)
Heffinton, C.F.
Helmrick, B
Hendricks, N.B.
Hensley, J.T.
Hicks, O.F.
Hill, John W.
Hill, Leander
Hill, W.H.
Hitchcock, Brown
Hobbs, B.F.
Hodge, W.H.
Hogan, William B.
Holleman, James T.
Hollingsworth, A.M.
Holt, J.L.
Holt, James P.
Hood, John A.
Hood, William S.
Hooper, W.J.

Hopp, Max	Johnson, James Anderson	Kress, Frank G.
Hoskins, D.W.	Johnson, James H.	Kuykendall, Mark
Hotchkiss, J.B.	Johnson, John T.	Kyle, G.H.
Houck, Felix D.	Johnson, O.H.	Kyle, J.H.
Hough, _____	Johnson, Sid	Lacey, _____
Houston, Sequoyah	Johnson, Thomas B	Lacey, Martin A.
Huckleberry, Andrew H.	Johnson, W.H.	Lackey, John H.
Huckleberry, James H.	Johnson, Wesley L.	Lacy, J.L.
Hudson, Henry W.	Jones, B.F.	Lacy, J.M.
Hudson, Will	Jones, C.M.	Lacy, Thos. E.
Hudspeth, W.J.	Jones, E.P.	LaFlore, Charles
Huffington, I.W.	Jones, Edward	Lake, M.F.
Hughes, Benjamin T.	Jones, Enoch	Lamb, Charles
Hughes, Charles	Jones, J.K.	Lamb, William
Hughes, Tyner	Jones, Jesse H.	Lambkin, E.M.
Hughes, Walter	Jones, Nathan	Lamons, Stephen A.
Hulse, Jack	Jones, Robert M.	Lampston, Dean
Hunt, Charles S.	Jones, W.F.	Lamson, Rube
Hunter, W.J.	Jordan, Jacob J.	Landis, Allen J.
Hunter Wallace	Jurey, L.W.	Large, _____
Hutchins, Calvin	Kayser, W.G.	Largen R.T.
Hutchins, J.R.	Keating, Larry	Larney, Este
Impson, Ben	Keen, Anderson	Larson, _____
Ingle, John	Kees, Charles	Lausory, G.P.
Ingram, John M.	Keeter, J.M.	Lawrence, _____
Irvin, N.B.	Kell, Bud T.	Lawrence, Sam
Irwin, William	Kelly, John J.	Lawson, G.P.
Isabell, _____	Kelly, William F.	Lawson, Robert C.
Isabell, L.P.	Kemp, John (Jack O'Lane)	Lawson, William H.
Isle, William	Kenerston, C.W.	Layman, D.H.
Ivey, A.E.	Kenner, J.W.C.	Laymann, Frank
Jackson, David W.	Kennon, Rufus	Laymon, Dave
Jackson, Edward	Kern, Albert	Leake, C.T.
James, William W.	Kernes, R.C.	Ledbetter, Bud
Janeway, Daniel H.	Kidd, Kidder	Lee, David M.
Jenkins, J.A.	Killiam, William B	Lee, Jim
Jeremiah, Andrew	Kilpatrick, Robert E.	Lee, R.C.
Jobe, H.V.	King, D.G.	Lee, W.J.
Johnson, A.S.	King, Peter C.	Leflar, Eli
Johnson, Arthur D.	Kirk, W.R.	Leflore, Newton
Johnson, F.W.	Kirksey, William	LeForce, J.S.
Johnson, Grant	Knight, Ben	LeForce, Newton
Johnson, J.E.	Knight, H.J.	LeForce, Perry
Johnson, J.F.	Knowlton, J.D.	LeForce, Robert

Lewis, _____	McCabe, M.P.	Mickles
Lewis, W.H.	McCall, William W.	Miller, Charles E.
Lilly, T.	McCann, John	Miller, Henry
Lindsay, E.F.	McClellan, Charles M.	Miller, Mad
Linigar, Andrew	McCloud, _____	Miller, Thomas B.
Lively, J.P.	McClure, B.T.	Mills, A.J.
Logue, William	McClure, John H.	Mills, E.P.
Long, W.E.	McCollum, J.M.	Mills, W.C.
Longbon, Silas	McConnell, W.H.	Minehart, J. Henry
Louderback, J.H.	McCracken, Robert T.	Minor, Samuel T.
Love, Edward	McCulloch, W.T.	Monroe, F.D.
Love, R.H.	McCurtain, Edmund	Montgomery, James T.
Lowell, H. P.	McCurtain, Green	Moody, Z.W. "Bill"
Loy, Elwood	McDaniel, W.C.	Moon, Jackson
Luce, Will	McEwan, John	Moore, Dan W.
Lundy, Joseph P.	McGill, John B.	Moore, Jackson
Lusac, Orrington	McGuire, Hugh	Morgan, Frank
Mackey, J.B.	McHaney, Leis	Morgan, J.E.
Madson, C.	McHenry, Lewis (McHaney)	Morgan, W.T.
Maledon, George (Night Guard, Executioner)	McIntosh, C.W.	Morris, John
Malone, Joseph	McInturf, W.D.	Morris, W.J.
Malone, R.A.	McKay, Alfred (McCays)	Morse, C.H.
Maples, Dan	McKee, Bruce	Morton
Maples, Sme	McKinney, Johnson P.	Mounts, William J.
Marks, L.W.	McLaughlin, S.P.	Moynihan, J.
Marquess, F.V.	McLellan, A.B.	Muier, James C.
Marshal, Robert (Indian Policeman)	McLemore, _____	Murphy
Marshall, John F.	McLemore, Lee	Nakedhead, Jim
Martin, Henry G.	McMurtrey, Allen M	Nasbit, Ed
Martin, Silas C.	McMurtrey, John	Nations, Joh. W.
Martin, Thomas L.	McNac, W.C.	Nave, Rolland
Marx, C.H.	McNeary, John F.	Neal, L.G.
Masterson, James (Jim)	McWeir, J.	Neal, T.S.
Mattiax, Andrew J.	Medicus, Frank L.	Neal, W.H.
Mayes, Jess W.	Meek, E.C.	Needham, John H.
Mayes, Jim	Meek, M.H.	Neely, Asoph
Mayesville, A.F.	Mellon, B.	Nehms, W.G.
Mayfield, W.L.	Merriman, J.L.	Nehms, W.G.
Mayginnis, Thad	Merritt, Lewis (Posseman)	Neis, Tony
Mays, James	Mershon, J.H.	Newsom, William
McAllister, John A.	Merson, J.H.	Nix, Crowder
McArthur, D.F.	Messler, James	Nix, Joe
	Mewborn, Frank	Norris, J.H.
	Mickle	Norwood, William

Nudles, T.B.	Pitcock, William P.	Roberts, W.J. (Asst. Jailer)
Nunly, Henry	Plank, E.S.	Robertson, William
O'Bryan, Robert S.	Poorboy, Joseph (Josiah)	Robinson, C.F.
Oats, James E.	Porter	Roff, Andy (Posseman)
Oliver, Gil	Porter, J.M.	Roff, James (Posseman)
Oliver, W.M.	Porter, Murphy (Night Guard)	Rogers, Alexander
Orcutt, S.A.	Posey, Thomas E.	Rogers, Henry
Orrick, Ben L.	Pound, George	Rogers, House L.
Owen, J.P.	Powers, John H.	Rogers, Isaac
Owen, William	Prater, T.S.	Rogers, J.M.
Owens, Jacob	Prather, T.W.	Rogers, James C.C.
Owensby, Clarence	Preston, William	Rogers, S.A.
Pape, Will B. (Jailer)	Price, James M.	Ross, John H.
Parker, B.L.	Proctor, Zeke	Row, George W.
Parker, Charles A.	Pryor, _____ (Jailer)	Rudisell, R.L.
Parker, E.A.	Pryor, N.K.	Rupe, James D.
Parker, Theo	Pullen, C.A.	Rushing, J.G.
Parks, J.D.	Pulse, Milton A.	Rusk, D.R.
Parks, John	Pulsey, Bud	Rusk, D.V.
Parvis, E.P.	Purcell, Z.T.	Rust, Dave
Paterson, John	Quigley, Bruce	Rutherford, Calvin
Patrick, D.S.	Randall, B.J.	Rutherford, G.M.
Patrick, George W.	Raney, L.H.	Rutherford, Jack (Guard)
Patton, Frank	Rattersee, E.B.	Rutherford, R.G.
Patton, Prosper Horton	Rauney, L.H.	Rwak, R.V.
Patty, A.Y.	Rayl, Robert	Sage, James W.
Payne, Thomas R.	Read, Jas. F.	Salmon, John
Peevy, Joseph G.	Rector, Elias	Salyers, M.V.B.
Pelly, James W.	Reed, J.E. or Eddie	Sanders,
Pemberton, Jas. R. (K)	Reeves, "Bass"	_____ "Professor"
Perry, Theo W.	Reeves, J.B.	(Posse)
Perryman, C.B.	Remey	Sanders, Bud
Peters, James A.	Rich, David P	Sanders, J.W.
Peters, Joseph	Richardson, J.E.	Sanders, Jashua (Posse)
Pettigrew, _____ (Jailer)	Richardson, Jim	Sanford, Tom (Posse)
Petty, J.A.	Riddle, George W.	Sapulpa, James
Phillips, B.I.T.	Ridenhaus, W.E.	Sarber, John
Phillips, J.B.	Ridenhour, H.E.	Satterfield, F.G.
Phillips, John	Ridenour, Francis M.	Saunders, Samuel L.
Phinnie, Wm.C.	Riley, Charles E.	Savage, C.C.
Pierce, _____ (Jailer)	Robbertson, William	Savage, F.C.
Pigg, M.	Robbins, R.	Sawters, A.L.
Pimberton, James K.	Robbins, W.P.	Scales, Clinton
Pirnell, Bud		Schultz, N.E.

Schuster, Anton	Smith, J.W.	Stopey, Edward
Scott, A.C.	Smith, James J.	Stormer, W.T.
Scott, George W.	Smith, Jeff	Stroud, John
Scott, Green	Smith, Robert	Stufflebean, Tom
Scott, Richard	Smith, T.C.	Suggs, John
Scottie, John	Smith, T.D.	Sumpter, F.P.
Seale, _____	Smith, Thomas James	Swafford, H.S.
Searle, J.W.	Smith, W.C.	Swain, John
Seadle	Smith, W.D.	Sweden, F.M.
Seaton, Thomas	Smith, William	Sweet, W.E.
Selley, Isaac E	Smith, Wm.	Talbert, John
Serrell, John R.	Smock, E.J.	Talbert, Paden
Serrill, Morris A.	Smtih, James A.B.	Tate, S.W.
Sexton, Aleander	Snodgrass, William C.	Taylor, James
Shadley, Layfayette	Sorell, J.B. (Day Guard)	Taylor, John M. Jr.
Shafer, John w.	Sorrill, Morris a.	Taylor, Lee
Shaver, W.D.	Spain, John A.	Taylor, William
Shaw, J.H.	Speaker, John	Teeples, Isaac
Shaw, Jeff	Speed, Dick	Terrell, R.M.
Shelbourne, B.T.	Spencer, James G.	Terry, L.A.
Shelburn, B.L.	Spinkle, Tom	Thomas, "Heck" (Henry Andrew)
Shepherd, D.W.	Spivey, William	Thomas, M.L.
Shibley, A.B.	Spradling, John S.	Thomas, Seaton
Shirey, Thomas	Stamer, W.T.	Thomason, H.P.
Shockey, L.T.	Stamphill, W.L. (Posseman)	Thompson, George w.
Shockley, John W.	Stanley, Charles R.	Thornton, B.M.
Shoemaker, Andrew L.	Stansberry, Thomas R.	Thornton, William
Simpson, Hugh	Statham, Joseph	Thurlo, E.
Simpson, John	Steadman, Robert B.	Tilghman, W.M.
Simpson, W.C.	Stephens, B.S.	Tinker, Joe
Singleton, L.H.	Stephens, Hiram	Todhunter, R.S.
Sixkiller, Samuel	Stephens, James	Tolbert, Boynton
Sizemore, David	Stephenson, _____	Tompson, Lee
Slassamon	Stewart, A.H.	Tooping, R.T.
Slusher, James N,	Stewart, Thos. G.	Topping, R.D.
Smirl, G.E.	Stewart W.C.	Topping, R.J.
Smith, A.C.	Stewart, Will N.	Tory or Tony, W.S.
Smith, Andrew	Stickler, Ben	Tracy
Smith, C.E.	Stockton, Arch M.	Trainor, Bud
Smith, Frank	Stockton, Ed.	Trammell, John
Smith, Henry	Stockton, F.C.	Tucker, Edward
Smith J.C.	Stockton, T.	Tucker, Heck
Smith, J.H.	Stokery, Ed	Tucker, Marshall
Smith, J.M.	Stone, C.C.	

Tucker, Melvin
Turner, Benton
Turner, Bill
Turpel, Isaac
Twiggs, Joseph W.
Twyman, Tucker
Tyson, G.G.
Vaile, J.
Van Hoosier
Vancler, Venter
Vanderverter, A.J.
Vandiver, William
Vann, Charles
Vann, Eph M.
Vannoy, Joseph W.
VanVoorhees, S.K.
Vaughan, A.J.
Vickers, E.P.
Vise, William
Wadley, G.L.
Walden, G.W.
Waldon, John D.
Waldron, O.D.
Walker, A.P.
Walker, G.H.
Walker, Lee
Walker, T.C.
Wallace, James
Wallace, M.
Walls, B.F.
Walls, Thos. J.
Walls, Tom
Walner, John
Walters, Sam'l
Ward, Erastus C.
Ward, J.J.
Ware, A.C.
Washington, _____
Watkins, Wingamon
Watson, Francis T.
Webb, D.M.
Weir, _____
Welch, D.R.
Wells, C.A.

Wells, Volney
Wells, Zachariah
Wentworth, K.V.R.
West, J.C.
Whaley, R.W.
Whatley, A.J.
Wheeler, _____ (Guard)
Wheeler, Dwight (Guard)
Wheeler, Jas.
Wheeler, William
White, G.S. (Hangman)
White, H.L.
Whitehead, Henry
Whitehead, Thomas
Whitney, William
Whitson, _____
Whitson, Calvin
Wilkerson, James
Wilkins, Jerry
Wilkinson, J.A.
Wilkinson, J.H.
Willard, Joseph
William, Zack
Williams, D.A.
Williams, E.F.
Williams, George E.
Williams, H.W.
Williams, J.C.
Williams, J.W.
Williams, Jack
Williams, John
Williams, Phil
Williams, Sam A.
Williard
Wills, Charles N.
Wilson, C.B.
Wilson, Floyd
Wilson, John
Wilson, Joseph
Wilson, Lee
Wingo, Samuel
Winton, D.C.
Winton, George (Private
Bailiff)

Woods, William
Wright, Silas A.
Wright, T.M.
Wyman, H.C.
Yates, Jim
Yoes, George A.
Yoes, Isaac
Yoes, John W. (Night Guard)
Yound, Thomas (Posseman)
Young, Thomas (Posseman)
Young, W.B.
Yount, T.J.
Zaddock, Winn



**Living
the
Legacy**

Appendix E

Library Loan

I have read the rules listed on the reverse side of this sheet governing the use of library materials and agree to abide by them.

Signature _____

Date _____

Name (please print): _____

Permanent Home Address: _____

Institution, agency, or organization association: _____

Faculty/staff

Student

Employee

Subject of your study (please be specific): _____

Proposed product(s) of research: Book Article Ph.D. Diss. MA/MS Thesis

Legal Class Paper/Project Family History Administrative Other (please specify): _____

The library would appreciate a copy of any resulting publication that might incorporate research done in our collection.

Collection User Log

Please indicate the catalog number of each item you have used.

_____	_____
_____	_____
_____	_____

Library Regulations

The library is provided for the convenience of persons wishing to consult books, publications, manuscripts, photographs, and materials on microfilm. The use of these materials is freely granted to all responsible researchers subject to the following regulations:

1. The registration form must be carefully read and filled out on each visit to the library.
2. Researchers must sign in each day when entering the library.
3. Food, drink, and smoking are not permitted in the library.
4. Library staff will conduct all photocopying on behalf of the researcher. There is no charge for copies at this time, but a donation to the park is appreciated.
5. If you find materials without a "FOSM" stamp or without a library card, please notify a library staff member.
6. Materials may be checked out of the library for staff members only. Fill out the library card to each book and place in the "Library Check-Out File" box. When you return materials, do not re-shelve. Place on the cart provided.
7. Materials cannot be checked out by non-staff individuals. When you are finished with materials, please return them to a library staff member for re-shelving.
8. The researcher assumes full responsibility for conforming with the laws of libel, privacy, and copyright which may be involved in his/her use of materials.



Appendix F

Making the Haversack

Haversacks were normally constructed of a cotton duck, canvas or linen material. Sometimes they painted a "sky blue" or "Prussian blue" color to water proof them. The haversack was sewn by hand and normally was closed by buttons.

Materials Needed

two pieces of cloth material (unbleached muslin is good, but any cloth is adequate)

Piece (1): 19" long X 13" wide

Piece (2): 48" long X 2" wide

needle and thread

scissors

one to three large buttons (optional)

permanent markers (optional)

Directions

- 1 Lay cloth piece (1) on a table or floor so that it is laying flat.
- 2 Fold the cloth so that the folded portion is 12" in length. On the bottom there is an additional 7" flap of material that is exposed. See figure 1.

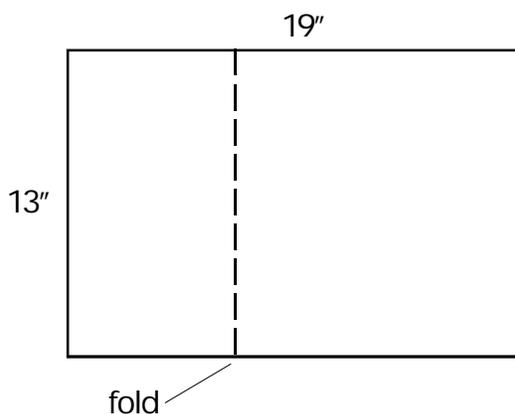


figure 1

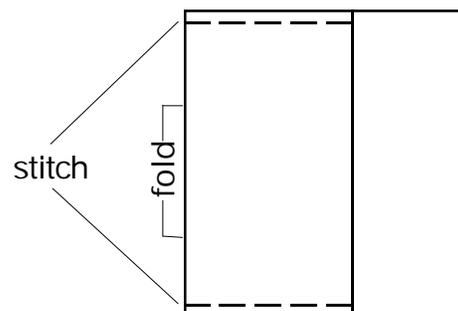


figure 2

- 3 Sew the sides of the 12" X 13" folded area with about 1" seam. See figure 2.
- 4 Turn the bag inside out so that the seams are inside the bag.

5 If you are not using buttons, skip this step. If using buttons, fold the flap over and cut one to three slits lengthwise near the edge of the flap. The size of the slits depends on the size of your buttons. You may bind the buttonholes using a buttonhole stitch. With the flap folded over, mark the bag through the buttonholes for placement of the buttons. Sew the buttons on the bag where the marks are. See figure 3.

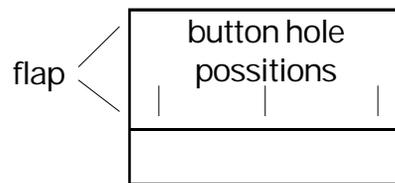
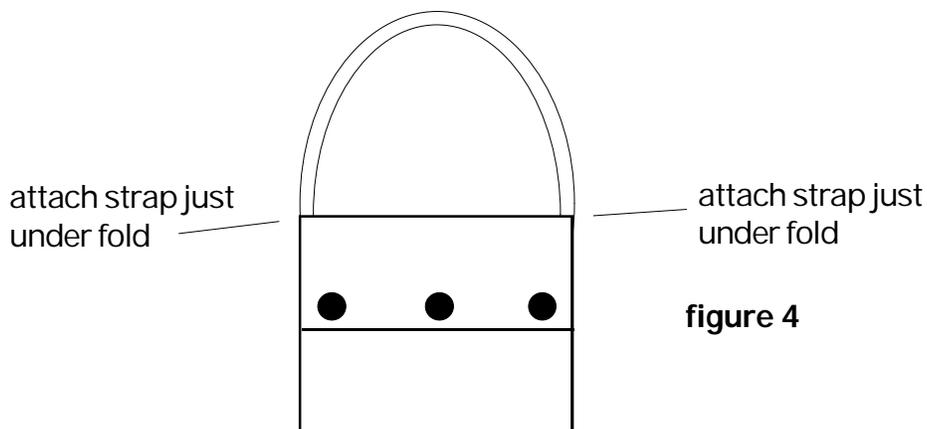


figure 3

Note: If only using one button, place it in the center of the flap.

6 Take the cloth piece (2) and place the ends on the back of the bag near where the flap closes. See figure 4. Sew approximately a 2" X 2" square on the ends when attaching to the bag. The bag is now complete.



7 Often times the army painted the bags to waterproof them. Sometimes soldiers put their names or initials on them on the inside of the flap. A marking pen could serve that purpose if you do want to mark them some way.



Appendix G

The Band Played On



Cas-ey would waltz with a straw - ber - ry blonde, And the band played on,



He'd glide 'cross the floor with the girl he a - dor'd, And the band played on,



But his brain was so load-ed, it near-ly ex - plod-ed, The poor girl would shake with a-larm,



He'd ne'er leave the girl, with the straw-ber - ry curls, And the band played on.

Who Threw the Overalls in Mistress Murphy's Chowder?



Mis-tress Mur-phy gave a par-ty, just a - bout a week a - go, Ev-'ry-thing was



plen-ti-ful, the Mur-phys they're not slow. They sure treat-ed us like gen-tle-men, we



tried to act the same, On - ly for what hap-pened, well it was an aw - ful



shame. When Mrs. Mur-phy dished the chow-der out, she faint-ed on the spot, She found a pair of



o - ver - alls, at the bot - tom of the pot, Tim No-lan he got rip-ping mad, his



eyes were bulging out, he jumped up-on the pi - an - o, and loud - ly he did shout.



Chorus



Who threw the o-ver-alls in Mis-tress Mur-hpy's chow-der? No - bod - y



spoke, so he shout-ed all the loud-er, It's an I - rish trick that's true, I can lick the Mick that



threw the o - ver - alls in Mis-tress Mur-phy's chow - der.

2 They dragged the pants from out the soup,
 And laid them on the floor,
 Each man swore upon his life,
 He'd ne'er seen them before.
 They were plastered up with mortar,
 And were worn out at the knee,
 They had their many ups and downs,
 As we could plainly see.
 And so when Mrs. Murphy she came to,
 She 'gan to cry and pout,
 She had them wash that day,
 And forgot to take them out,
 Tim Nolan he excused himself,
 For what he said that night,
 So we put music to the words,
 And sung with all our might.

Chorus